

Leave of Absence

Thursday, November 6, 1997

HOUSE OF REPRESENTATIVES

Thursday, November 06, 1997

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I wish to advise that four Members have contacted me and asked to be excused from the sitting today. They are: the Member for Port of Spain South (Mr. Eric Williams), who has asked to be excused from October 29, 1997 until November 9, 1997; the Member for Arima (Dr. Rupert Griffith), who has asked to be excused from November 1 to 8, 1997; the Member for Diego Martin East (Mr. Colm Imbert), who has asked to be excused from today's sitting; and the Member for Arouca North (Mr. Jarrette Narine) who is not well. They are all excused.

**GEORGE MICHAEL CHAMBERS
(DEATH OF)**

Mr. Speaker: Hon. Members, I also wish to ask the House to take note of the death of a former Member of this House and Prime Minister of this country, Mr. George Michael Chambers, which occurred some two days ago. He was a Member of this honourable House from 1966 until 1986 and apart from being Prime Minister, he held several ministries. I am sure that both sides of the House may be interested in saying something on his passing.

The Acting Prime Minister and Minister of Housing and Settlements (Hon. John Humphrey): Mr. Speaker, hon. Members, I think it fitting and proper that we take a moment to reflect on the life and contribution of an outstanding and distinguished son of this nation, George Michael Chambers. We were all shocked and saddened to hear of his passing. As parliamentarians, we feel a particular sadness because many of us remember his presence and contributions in this honourable Chamber.

George Chambers' life was not lived with a great deal of sound, fury, pomp and show. He did not live his life trying to grab the spotlight. He lived his life quietly and though seriously, he flavoured everything with his wit. He had a compelling desire to serve his party and his nation, which he did with tremendous commitment. One of the things he demonstrated is that each of us can serve in our

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own way and our own distinctive individuality without slavishly copying any other person's style or form. He was a strong, intelligent man and a deep thinker.

Even in defeat in 1987, he was admirable in the way he graciously relinquished the reigns of leadership and stepped aside without ever looking back. He did not seek past glories, anyone's grace or favour, nor to come back but resolutely carried on with his life in what must have been the most difficult period for him.

As we celebrate the productive and giving life he lived, we could perhaps learn another lesson from his passage on earth with us as a member of this society and this nation, Trinidad and Tobago. The lesson I hope that we would draw from his experience, is that we could become a kinder, gentler people in the way we treat each other in the face of our changing fortunes and vicissitudes. We could try harder to appreciate each other's strengths and honestly applaud them. We could try to moderate the fatigue-giving aspect of our national culture, to give respect where respect is due, to give reverence where it is expected and to be sensitive to the feelings of each other, not least of all our leaders.

George Chambers' place in the development and history of this nation is assured. May his memory be blessed and may his soul rest in peace.

Mr. Speaker, I thank you.

Mr. Patrick Manning (*San Fernando East*): Mr. Speaker, there are times when events overtake circumstances and we are forced to stop and take stock. Such a time now faces us in the sudden passing of the former Prime Minister of Trinidad and Tobago, George Michael Chambers, whose untimely death occurred on Monday morning, November 4, 1997.

Mr. Speaker, we are aware of the tributes which are pouring in on every side by way of evaluation of this distinguished parliamentarian. All are agreed that he was an intensely private man but at the same time, he was a Prime Minister of the people. All are agreed that he served his time and his country above and beyond the call of duty, in ways in which his country needed him most. All are agreed that only history would give him the appreciation which he deserves and which may have been denied him in life.

Who then, Mr. Speaker, was this parliamentarian, this man who occupied the highest position in the land, about whom so much would be said in the days to come and about whom so little is known? The formal facts of his life are easy to describe. George Michael Chambers, the country's second Prime Minister, was first

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elected to Parliament in 1966 as the representative of the St. Ann's constituency. He was appointed Parliamentary Secretary in the Ministry of Finance in the same year.

Born on October 4, 1928, young Chambers was educated at the Nelson Street Boys' R.C. School, Burke's College and Osmond High School. He also took a correspondence course in general education from Wolsey College, Oxford. He, therefore, never lost sight of the common man and the problems of people in the way that perhaps some of us do when we spend long periods abroad.

Mr. Chambers who became Prime Minister of Trinidad and Tobago in March of 1981 on the death of Dr. Eric Williams, the country's first Prime Minister, held several ministerial portfolios, his first appointment being that of Minister of Public Utilities and Housing in 1969. The following year, 1970, Mr. Chambers was appointed Minister of State in the Ministry of National Security and Minister of State in the Ministry of Planning and Development. In November of that year, he was made Minister of National Security.

Mr. Chambers served as Minister of Finance, Planning and Development from 1971 to 1973 and from 1973 to 1975 as Minister of Finance. He was Minister of Education and Culture from 1975 to 1976. The period 1976 to 1981 saw Mr. Chambers as Minister of Industry and Commerce and as Minister of Agriculture, Lands and Fisheries. He was Minister of Agriculture, Lands and Fisheries when he was called upon by Ellis Clarke to be Prime Minister of Trinidad and Tobago on the death of Dr. Williams. In 1973, Mr. Chambers was elected to the prestigious post of Chairman of the Board of Governors of the World Bank and the International Monetary Fund and was Trinidad and Tobago's Governor on the Inter-American Development Bank.

Prime Minister Chambers became very active in the affairs of the People's National Movement on joining the party and served as Assistant General Secretary of the PNM and as a member of the party's Central Executive, General Council Research Committee and Disciplinary Committee.

If we would seek to understand the extent of the loss to Trinidad and Tobago of this distinguished son of the soil, I would draw Mr. Speaker's attention to the very first public utterance of George Chambers on his first day as Prime Minister on March 30, 1981.

Mr. Speaker, on that occasion he said little, but what he said is as revealing of the character of the man as it was of the enormous task which he was about to shoulder, and I quote:

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“Perhaps it would not be inappropriate in this sad hour to focus our attention, in an atmosphere of calm and serenity, on at least two of the national watchwords—discipline and tolerance.

Inspired thereby and in tribute to the late Prime Minister who coined and lived them with every ounce of energy that he could muster, let us now comport ourselves in the months ahead that we demonstrate to one another and to the world that our nation has reached maturity.”

Mr. Speaker, it goes on:

“My task in weeks and months ahead is to do everything within my power to ensure that we remain united as a people, notwithstanding differences of race, colour, creed or political persuasion, that we preserve a society in which every creed and race will continue to find an equal place, and that Trinidad and Tobago's stability is maintained and upheld.

Ladies and Gentlemen, this task does not devolve solely upon me and members of the Cabinet. In my judgement, it requires the united effort of every citizen of our young Republic; no one must shirk this clear responsibility.

And so, I make an earnest appeal that everyone, whatever our differences in the past, will recognize that we have suffered a common tragic loss and will assist me and the Cabinet in striving to achieve these goals in pursuit of which the late Prime Minister strove all his life.”

Mr. Speaker, first of all, uppermost in the mind of George Michael Chambers in that moment when history had taken so decisive a turn, we find two of the national watchwords—discipline and tolerance—at the forefront of his thinking. More than that, we find that the preservation of the united society led the way in respect of the tasks which lay before him. If nothing else, I would urge this honourable House to cast its collective mind back to Mr. Chambers’ stated preoccupation with the best principles inherent in the slogan, “national unity”.

Mr. Speaker, in May of the same year, one of his first utterances as the new political leader of the People's National Movement, the party to which those of us on this side of the House remain implacably committed, he pledged himself to maintain, support and, indeed, to rededicate himself to the following principles:

1. public morality
2. equality of opportunity
3. inter-racial solidarity
4. the preservation of Parliamentary democracy.

It is clear, therefore, Mr. Speaker, that from the onset of his administration, George Michael Chambers sought to unite the ideals of party and Parliament in stances of the highest moral order. It is through his enduring credit that Mr. Chambers brought a certain truthfulness to his utterances. He did not treat people as though they were stupid and weak of understanding. With Mr. Chambers, there was no “mamaguy” and yet, no man could have been more courteous to those he served.

1.45 p.m.

In his first Budget Speech of 1982 as Prime Minister, he said the following:

“...our clear duty as a government is to face up to the issues, and with the utmost candour to articulate them to the population, so that together as a unified society, and on the basis of values conceived in concert, we can select our own development strategy and establish our own goals and objectives.”

He went on to say, Mr. Speaker, that in his judgement:

“...the population expects no less and stands ready to play its full part.”

As I said, no discourtesy and no mamaguy. A statesman addresses his people as equals which they are. And I say, Mr. Speaker, that this House must turn back from the brink upon which it tethers today and listen afresh to the voice of George Michael Chambers.

Throughout those careful, succinct and visionary presentations which were his budget statements of the period 1982 to 1986, we find the Prime Minister of the time, Mr. Speaker, consistently prepared to bite the bullet, to tell the country the truth but always with the utmost politeness and the utmost clarity. As he himself noted in 1983, and I quote:

“The one charge which may not be laid against this Budget Statement is that it lacks candour.”

And he went on to assert, Mr. Speaker, that we, as a people possess both “self-reliance and self-discipline”. In his opinion:

“The various policy measures which the Government has announced in respect of 1983, will serve to buttress the resolve of the population; they are not and cannot be a substitute for that resolve.”

Within the context of the budget statements, Mr. Speaker, we are obliged to now focus on what, for the discerning, was the crowning achievement of the

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Chambers' era and that was his management of the adjustment to our dramatically changed economic circumstances.

For the record, Mr. Speaker, the international economy of the time was in turmoil, triggered by the unprecedented oil price increases. For example, in 1982, the unemployment rates in the developed world were as follows:

U.S.A.	-	9.5%
U.K.	-	12.0%
Japan	-	2.3%
Canada	-	10.3%
West Germany	-	6.5%
France	-	8.0%

Inflation and unemployment were at post-war highs, dangerously reminiscent of the 1929 Depression era levels.

On the domestic front, Mr. Speaker, oil production had already peaked while, at the same time, oil prices had fallen precipitously. Similar circumstances in other oil producing states had produced riot and mayhem—Latin America, Iran Nigeria— coups and threats of coups were everywhere apparent. It was the age of Ayatollah Khomeini.

It was to the country's enormous advantage, Mr. Speaker, that George Michael Chambers was in the driver's seat. With his uniquely understated Trinidadian style, he was able to broker the necessary adjustments without the rancour and vituperation which occurred everywhere else.

It must also be remembered, Mr. Speaker, that the international debt crisis was such that the U.S. authorities were formally presenting proposals to the international community, with the stated objective of helping countries overcome their debt problems.

At the same time, Trinidad and Tobago had limited access to the Washington-based lending institutions and so, Mr. Speaker, the times were exceptionally challenging to those in charge of the economy.

But the Chambers management style was such, Mr. Speaker, that he could note in 1985, and I quote:

“A critical question which takes on new urgency is the equity with which the burden of adjustment was being shared.”

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He then went on to propose measures, Mr. Speaker, which would balance the burden of adjustment among the various stakeholders in the society, because George Michael Chambers had an innate sense of fair play which was also manifested, as we were soon to see, in his foreign policy.

The faint hearted, Mr. Speaker, may turn away from the terrible memory of Grenada. George Michael Chambers did not and neither shall I, despite the pall of Shiprider which bedevils our own time. The details are known to all. Suffice it to say that as the wearer of the Williams mantle, Chambers would have no truck with those who would set aside legitimate aspirations of sovereignty which these little Caribbean islands have earned and which they deserve.

As Chambers ruefully observed:

“It still appears in the world that when you are a speck of dust and more particularly a black speck of dust, you are not expected to have principle, you are not expected to stand on principle, you are not expected to take independent decisions.

We have attacked nobody, we have condemned nobody. All we have done so far is stated a principled position. If because we are black specks we have to suffer for that economically and otherwise, then so be it.”

He took a stand which was neither noisy nor bellicose. But, with quiet, rock-steady dignity, George Michael Chambers, alone, faced down the nay-sayers of West Indian nationalism and sovereignty, without which, Mr. Speaker, none of us in this region will ever find our rightful place in the sun.

What can we say, Mr. Speaker, about the personal character of George Michael Chambers, Prime Minister of Trinidad and Tobago and political leader of the PNM in those crucial years. I will take you back to the “University of Woodford Square” where, before a large concourse of the people gathered there on Sunday, October 11, 1981, he disclosed to the world the exact state of his and his family’s personal finances. As he said on that memorable occasion, and I quote:

“...the most important thing is to be able to live with myself, face my family and face you in the certain knowledge that no man can be produced who can say to me that ‘I have paid you’ and ‘You are on my payroll.’”

[Desk thumping] Let me repeat it, this is George Michael Chambers speaking in Woodford Square. I was present, Mr. Speaker:

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“...the most important thing is to be able to live with myself, face my family and face you in the certain knowledge that no man can be produced who can say to me that ‘I have paid you’ and ‘You are on my payroll.’”

It was during that speech, Mr. Speaker, that George Michael Chambers could turn to his Bible and quote from it as follows:

“Blessed are the pure of heart for they shall see God.”

How many today in this House, Mr. Speaker, can speak with such certainty about themselves? Parliamentary privilege notwithstanding.

As I said, Mr. Speaker, when I rose this afternoon, there are times when events overtake circumstances and we are forced to stop and take stock. I submit, Mr. Speaker, that this country needs to stop and take stock, and as grievous as is the fact of Mr. Chambers' death, I welcome the opportunity it has given me to lay before this House the memory of his wisdom and his vision, so that this blessed country may be saved from the abyss over which it is today so precariously perched.

Wherever we turn, we see the reverse of all that Chambers, his party and we his successors, stand for—the breakdown of racial harmony and the decline of morality in public life, to name but a few. Whether in interracial solidarity, efficiency and courage in economic matters, whether in independent and principled foreign affairs conduct, and whether, crucially, in the matter of morality in public life, George Michael Chambers stands before us as a far more shining example than many would have credited him with.

1.55 p.m.

Today is not, however, one for gloom. I am persuaded that the memory of George Chambers will light a beacon in this House which he served so well, which will help us all on both sides to rededicate ourselves to the principles which guided his own highly distinguished career. Under his firm but benign hand, the ship of state successfully negotiated some very treacherous waters and it is up to us to take pattern today, as he himself was to say, and I quote:

“I, personally remain convinced that Trinidad and Tobago will neither sink nor disappear...There is no cause to despair over the evidence of disorder and menace, for in all the golden ages of history, disorder and hazard have existed alongside vitality and creativeness...”

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I believe that this House will agree that Mr. Chambers was a man of, and for, his time. We shall not see his like again in our time and we deeply regret and mourn his passing.

I would like to urge this House to convey its deepest sympathy to his wife, Juliana, his daughter, Andrea and his numerous other relatives.

I thank you, Mr. Speaker.

Mr. Speaker: Hon. Members, I am sure that the House is grateful to both sides for having said a few words on the passing of the late George Michael Chambers. I, for myself, will simply say that I had the good fortune of sitting next to him in Cabinet.

I would direct the Clerk on your behalf to communicate the feelings of this House to his widow and to his daughter, and I would ask the Members of the House to stand for one minute of silence in memory of George Michael Chambers.

The House stood.

LIVESTOCK AND LIVESTOCK PRODUCTS BOARD BILL

Bill to establish the Livestock and Livestock Products Board and for matters incidental thereto, brought from the Senate [*The Minister of Agriculture, Land and Marine Resources*]; read the first time.

Motion made, That the next stage of the Bill be taken later in the proceedings. [*Dr. The Hon. R. Mohammed*]

Question put and agreed to.

PAPERS LAID

1. Report of the Auditor General on the accounts of the National Project Development Services Limited for the year ended December 31, 1990. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*]
2. Report of the Auditor General on the accounts of the National Project Development Services Limited for the year ended December 31, 1991. [*Hon. R. L. Maharaj*]

Papers 1 and 2 to be referred to the Public Accounts (Enterprises) Committee.

3. Report of the Auditor General on the accounts and financial statements of the Project Execution Unit of the Ministry of Housing and Settlements for the year ended December 31, 1996 in respect of the National Settlements

Programme as required by Loan Contract No. 584/OC-TT between the Government of the Republic of Trinidad and Tobago and the Inter-American Development Bank. [*Hon. R. L. Maharaj*]

4. Report of the Auditor General on the accounts and financial statements of the Project Execution Unit of the Ministry of Housing and Settlements for the year ended December 31, 1993 in respect of the Programme of Institutional and Policy Development in the Housing and Urban Sectors as required by the Non-Reimbursable Technical Co-operation Agreement ATN/SF-3412-TT between the Government of the Republic of Trinidad and Tobago and the Inter-American Development Bank. [*Hon. R. L. Maharaj*]

Papers 3 and 4 to be referred to the Public Accounts Committee.

5. The Venture Capital Regulations, 1996. [*Hon. R. L. Maharaj*]

SELECT COMMITTEE REPORTS

Presentation

Standing Orders Committee

The Minister of Trade and Industry and Minister of Consumer Affairs (Hon. Mervyn Assam): Mr. Speaker, I beg to lay on the table the report of the Standing Orders Committee of the House of Representatives for the 1996—1997 session.

House Committee

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to lay on the table the report of the House Committee of the House of Representatives for the 1996—1997 Session.

JOINT SELECT COMMITTEE REPORTS

Ombudsman Report (Seventeenth)

The Minister of Legal Affairs (Hon. Kamla Persad-Bissessar): Mr. Speaker, I wish to lay on the table the report of the Joint Select Committee of Parliament appointed to consider and report on the 17th Annual Report of the Ombudsman of the Republic of Trinidad and Tobago and the functions and duties of the Ombudsman and to make recommendations for a more effective machinery for the Office of the Ombudsman so that Part II of Chap. 6 of the Constitution of the Republic of Trinidad and Tobago can be given effect.

**Integrity Legislation
(Green Paper)**

The Minister of Trade and Industry and Minister of Consumer Affairs (Hon. Mervyn Assam): Mr. Speaker, I wish to lay on the table a report of the Joint Select Committee of Parliament appointed to consider the Green Paper on Integrity Legislation and to submit recommendations to Parliament thereon.

Occupational Safety and Health Bill

The Minister of Labour and Co-operatives (Hon. Harry Partap): Mr. Speaker, I wish to lay on the table the report of the Joint Select Committee of Parliament appointed to consider and report on the Bill entitled "An Act respecting the safety, health and welfare of persons at work."

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, may I say, as Leader of the House, that the Government intends in the new session, by motion, to ask for these reports to be debated.

ORAL ANSWERS TO QUESTIONS

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, may I indicate to this honourable House that there are 13 questions on the Order Paper. The Government is in a position to answer eight, either orally or, depending on the operation of the Standing Orders, in writing. The eight questions are Nos. 61, 62, 63, 68, 70, 71, 72, 75. That means we are asking that questions No. 66, 67, 74, 76 and 77 be deferred.

Hon. Member: Why?

Hon. R. L. Maharaj: Mr. Speaker, having regard to the nature of the questions, more time is needed by the ministries to get the relevant information.

Hon. Member: You could do that tomorrow?

Hon. R. L. Maharaj: Well we will give an undertaking that when it is filed in the new session we will answer it, under three weeks.

The following questions stood on the Order Paper:

**Caroni (1975) Limited
(Professional Services)**

- 66.** (a) Would the hon. Minister of Agriculture, Land and Marine Resources indicate whether any Member of the Board of Caroni (1975) Limited has been engaged to provide professional services to the Company?

- (b) If so, would the Minister state the date on which the board approved the engagement and the payment for these services?
- (c) Would the Minister further state:
 - (i) When were the board members so engaged?
 - (ii) Has he/she submitted a report?
 - (iii) If so, on what date was the report submitted?
 - (iv) The total cost of Caroni (1975) Limited. for the services so engaged?
 - (v) Whether any Caroni (1975) Limited personnel and material resources were utilized in the exercise? *[Dr. K. Rowley]*

**State Enterprises
(Status of Board Members)**

- 67.** (a) Would the hon. Minister of Finance state whether any board members of state enterprises, appointed since December 1995, have themselves secured contracts with the state enterprises on whose board they serve?
- (b) Would the Minister indicate whether such board members have assumed posts in the state enterprises on whose boards they serve?
- (c) If the answer is in the affirmative, could he give details of these and state whether the positions were publicly advertised?
- (d) If they were so advertised, would he state the total number of unsuccessful applicants who responded to advertisements for each position which was subsequently filled by board members?
- (e) Could the Minister give details of the remuneration packages involved in each case? *[Dr. K. Rowley]*

**La Mango Hard Surface Court
(Work Stoppage)**

- 74.** (a) Is the hon. Minister of Works and Transport aware that work on the La Mango Hard Surface Court situated at Maracas, St. Joseph which was 80% completed at the end of 1995, has since ceased?
- (b) Would the Minister state:
 - i. the reasons for the work stoppage?

- ii. whether there is any intention of resuming work on this court?
- (c) If the answer to (b) (ii) is in the affirmative, can the Minister state the date on which work is expected to resume? *[Mr. E. Hart]*

Questions, by leave, deferred.

WRITTEN ANSWERS TO QUESTIONS

The following questions stood on the Order Paper:

URP Construction Projects (location of)

- 76.** Would the Minister indicate, by regions, the location of all the 1995 URP construction projects, which were discontinued and have not been resumed to date? *[Mr. J. Narine]*

URP Projects (Status of)

- 77.** (a) Would the hon. Minister of Works and Transport indicate the total number of URP projects in progress, by regions?
- (b) Can he indicate:
- i. how many are construction projects?
 - ii. how many are sanitation projects? *[Mr. J. Narine]*

Questions, by leave, deferred.

ORAL ANSWERS TO QUESTIONS

World Bank Loan (Construction of Secondary Schools)

- 61. Mr. Fitzgerald Hinds** (*Laventille East/Morvant*) asked the Minister of Planning and Development:
- (a) Is the Minister aware that in 1995 the Government of Trinidad and Tobago negotiated a loan with the World Bank for the construction of four (4) Secondary Schools at:
 - (i) Mason Hall, Tobago;
 - (ii) Cunupia;
 - (iii) Diego Martin; and

- (iv) Sangre Grande?
- (b) Could the Minister inform this House what is the present status of these projects?

The Minister of Planning and Development (Hon. Trevor Sudama): Mr. Speaker, this question relates to the construction of secondary schools, and I put the response in a wider perspective to indicate to this honourable House that, for a number of reasons, the capacity of the Trinidad and Tobago secondary school system was not expanded in relation to the age cohort for secondary schools.

For over a decade and more, just three secondary schools have been constructed even though the secondary school age cohorts of 11 to 19 has grown substantially. As a result, net enrollment has slipped from a high of 83 per cent to the level of 69 per cent in recent years, even though 19 of the 22 junior secondary schools are currently operating on a double shift system.

The aim of this Government is to have increased access to general secondary education and the opportunity for universal transmission from primary to the secondary level. A recent study undertaken has indicated the need to construct, furnish and equip approximately 28 new general five-year schools in order to deshift existing junior secondary schools, replace deteriorating plants and to improve access in underserved areas. It also identified the need to upgrade and equip libraries; science and computer laboratories in 30 schools; to convert and refurbish 23 of the existing junior secondary schools; to upgrade and expand 12 Government assisted schools, to convert 10 senior comprehensive schools and to provide the support for schools maintenance.

One can appreciate the need and the requirement for secondary education at this time. But the issue is not only to deal with the construction of plants. Indeed, we have to look at the curriculum and decide on a universal core curriculum aimed at improving cognitive and social skills, emphasizing basic subjects such as language arts, mathematics, science, and information technology. In other words, secondary schools are envisaged to provide students with a common cognitive base which would afford them greater choice on graduation to either pursue a university education or technical training. There is also the need to ensure a smooth transition between primary and secondary education, so that the articulation of the primary curriculum into the secondary system is important.

To recapitulate, what some of the needs identified for the education system are: firstly, the development of a basic core curriculum for all secondary schools,

the conversion of all junior secondary, senior comprehensive and senior secondary schools to five or seven-year general secondary schools. The revision of teaching methodologies, teacher/training curricula; the training of teachers and educational administrators and the establishment of an assessment performance, promotional and certification standard for students, teachers and school managers.

One will understand that this Government is actively addressing and planning for the long term future of secondary education in this country. Therefore, given the scope of the problem and the needs to be addressed, the question relates to a very minimal portion of those needs. The question asked: Is the Minister aware that in 1995 the Government of Trinidad and Tobago negotiated a loan with the World Bank for construction of four secondary schools? Yes, I am aware because I was involved in the later stages of this negotiation.

A principal focus of the programme is the enhancement of early childhood care and education through the provision of 50 new centres and upgrading of 150 existing centres for children from three to four years old, as well as the provision of primary education in 46 primary schools, 15 of which are new, 15 which are replacements and 16 which require remodelling or extension. However, the programme also includes—and this is a small part of this basic education programme—the provision of four new secondary schools in Mason Hall, Tobago, Cunupia, Guaico and Diego Martin.

The specific objectives of this aspect of the programme is to act as a precursor to a more comprehensive initiative by the Government for the provision of secondary school places to which I have just alluded. The status of the four secondary schools is as follows:

Mason Hall, Tobago: Preliminary drawings are in progress and final designs for the school should be completed by mid-December. Construction is expected to commence in early 1998.

Cunupia Secondary School: This project is at the stage of preliminary designs with final designs anticipated by year's end. The allocation of \$4 million in 1997 included a provision for commencement of construction this year. However, construction is now expected to commence in 1998.

Guaico Government Secondary School: Preparation of preliminary designs is anticipated during the first quarter of 1998.

Diego Martin Secondary: Preparation of preliminary designs is anticipated during the first quarter of 1998. Site selection is to be finalized and we have not made a firm decision on that. Thank you, Mr. Speaker.

Status of Teachers

62. Mr. Fitzgerald Hinds (*Laventille East/Morvant*) asked the Minister of Education:

- (a) Would the Minister tell this House how many teachers left the teaching service each year for the years 1995, 1996 and as at September 30, 1997?
- (b) Would the Minister indicate how many of these have been replaced?
- (c) Would the Minister indicate how many vacancies exist in the various subject areas at the secondary school level?

The Minister of Education (Dr. The Hon. Adesh Nanan): Mr. Speaker, for the year 1995, a total of 470 teachers left the teaching service. For the year 1996 a total of 431 teachers left the teaching service. For the year 1997 up to September 30, 1997 a total of 354 teachers left the teaching service.

Out of a total of 1255 teachers who left the teaching service over the period 1995 to September 30, 1997, 1201 teachers have been replaced. At the secondary school level, are the following vacancies:

Art/Craft—5

Home Economics—5

Industrial Arts: Woodwork—4

 Metalwork—2

Electronics—1

Languages: English—4

 Spanish—1

Music—3

Integrated Science—1

Maths/Natural Science—1

Social Studies—1

Physical Education—8

Geography—3

Maths/Computer Science—1
 Principles of Accounts/Principles of Business—2
 Computer Science—2
 Chemistry/Biology/Integrated Science—1
 Physics—1
 Mathematics—3
 French/Spanish—1
 Mathematics/Further Mathematics—1
 Mathematics/Information Technology—1
 Food and Nutrition—1

2.15 p.m.

All teachers leaving the primary school system have been replaced. This periodic shortage has been solved satisfactorily by the Government. There are 54 vacancies existing in our secondary schools. This is not an overnight phenomenon but an inherited chronic problem. Interviews are being held by the Teaching Service Commission on an ongoing basis. As soon as replacements become available teachers will be appointed to fill these positions.

The filling of vacancies can be seen against the background of the Government offering teachers better conditions that are not generally known. The Chief Personnel Officer and the Trinidad and Tobago Unified Teachers' Association have agreed in principle on the following. There are paternity benefits of three days' leave with pay; bereavement leave from two days to three days and a subsistence allowance of \$45 to a teacher living outside a 16-kilometre radius from his or her school.

The Government has created 161 posts for teachers in secondary schools. A number of scholarships have been awarded to teachers. Of these nine are in geography, 17 in drama and theatre and, for the first time in 1997, 10 in musical arts. The Ministry of Education, recognizing the role of teachers in assisting in management of our schools, has mounted a series of management training workshops for over 250 senior teachers and principals. This year workshops were also held in the eight education districts for all principals of primary schools to introduce the Language Arts Programme. Soon mathematics workshops would be initiated.

Oral Answers to Questions
[DR. THE HON. A. NANAN]

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This Government is committed to the continued professionalisation of the teaching service. Over the next four years a total of 500 senior teachers, vice-principals and principals will benefit from a Bachelor of Education Programme with a strong management component. These programmes will be taking place simultaneously with curriculum reform. The Ministry of Education is also actively pursuing the matter of permanent appointments and promotions for teachers.

Thank you.

Mr. Speaker: Hon. Members, I draw to your attention the provisions of Standing Orders 6, 7 and 19. They would indicate that we would now pass on to the next item on the Order Paper which is Request for Leave.

The following questions stood on the Order Paper:

**Primary School System
(Status of)**

- 63.** Would the Minister of Education indicate:
- (a) How many primary schools, both state and assisted are there in Trinidad and Tobago?
 - (b) Whether it is the Government's intention to place a computer in each primary school in the system?
 - (c) If so, how many primary schools have been issued with computers, to date?
 - (d) How soon the Success R. C. School is expected to be issued with a computer? (*Mr. F. Hinds*)

**Police Service
(Cherokee Jeeps)**

- 68.** Would the Minister of National Security state:
- (i) The exact number of Cherokee jeeps which have been put into active duty by the police service as at August 31, 1997?
 - (ii) The total charges incurred to date for the lease of the said Cherokee jeeps?
 - (iii) The total charges incurred to date in the maintaining of the Cherokee jeeps? (*Dr. K. Rowley*)

**Eastern Port of Spain
(Redevelopment of)**

- 70.** Would the Minister of Housing and Settlements indicate:
- (a) Whether or not his Government has any plans for the redevelopment of Eastern Port of Spain specifically the Duncan Street, George Street and Nelson Street areas?
 - (b) If the answer is in the affirmative, would the Minister give the details of his Government's plans?
 - (c) If the answer is in the negative, would the Minister then indicate what plans his Government has to upgrade the current housing conditions in that area? (*Mr. E. Williams*)

**SHARE
(Status of)**

- 71.** (a) Would the hon. Minister of Social Development state:
- (i) Whether the current National Director and Assistant Director of the Social Help and Rehabilitative Efforts Programme (SHARE) are presently on leave?
 - (ii) Whether there is any proposal to terminate the employment of these persons?
 - (iii) Whether there is any proposal to terminate the employment of the five programme coordinators of the (SHARE) Programme?
- (b) Would the Minister further state what are the requisite qualifications for appointment as Programme Coordinators of the SHARE Programme?
- (c) Would the Minister indicate how groups qualify to access the SHARE programme? (*Mr. M. Joseph*)

**Metal Industries Company Limited
(Appointment of Members)**

- 72.** Would the Minister of Finance indicate what criteria were used in the appointment of the members of the current Board of Directors of Metal Industries Company Limited? (*Mr. M. Joseph*)

St. Mary's Home Primary School

- 75.** Would the Minister of Education state the date on which work is expected to commence on the construction of the St. Mary's Home Primary School?
(*Mr. E. Hart*)

Question time having expired, question No. 68 was not dealt with.

Questions Nos. 63,70, 71, 72 and 75 were answered in writing.

Vide end of sitting for written answers to questions.

DENGUE FEVER

The Minister of Health (Dr. The Hon. Hamza Rafeeq): Mr. Speaker, over the last 15 years there have been global pandemics of dengue fever with relative frequency. Each year there are tens of millions of cases of dengue fever and depending on the year, up to hundreds of thousands of cases of dengue haemorrhagic fever, a complication of dengue itself. The emergence of dengue haemorrhagic fever as a major public health problem has been most dramatic in the region of the Americas. Dengue is caused by a virus which is transmitted by the *Aedes Egypti* mosquito and not transmitted directly from person to person.

There were major epidemic outbreaks in Trinidad and Tobago in 1993 and 1996 with 3,060 and 3,588 cases reported respectively. The total number of cases as at the end of October 1997, is 806 which is 60 per cent less than the figure of 2,980 for the same period in 1996. However, even though there are fewer reported cases of dengue for 1997, there have been about 26 suspected cases of infrequent complication of dengue fever known as dengue haemorrhagic fever. One of these cases has resulted in the death of the patient. It is feared that if present trends continue, Trinidad and Tobago can face a significant increase in the incidence of dengue haemorrhagic fever, a potentially fatal complication of dengue.

Accordingly, the Ministry of Health in addition to alerting the public last year and over the past six months has taken a number of measures to step up its campaign to eradicate the *Aedes Aegypti* mosquito. Specifically the Ministry of Health will be focussing its efforts in the following areas:

1. Public education campaign: This is being done through the print and electronic media, the hospitals and other health institutions and even in doctors' offices and pharmacies.
2. Clean-up campaign: The Ministry of Health is working through an intersectoral committee comprising of representatives from the Ministry

of Health, the Ministry of Agriculture, Land and Marine Resources, the Ministry of Local Government and the Ministry of Works and Transport to step up activities aimed at eliminating breeding sites and eradicating the mosquito population.

3. Enforcement of yellow fever regulations: The Ministry of Health is taking steps to improve the enforcement of the yellow fever regulation which makes it an offence for anyone to keep the environment in such a condition to allow for the breeding of mosquitoes.
4. Reduction of adult and larval forms of mosquito: The Ministry of Health has taken steps to increase its spraying activities by strengthening the capabilities of the Insect Vector Control Division. Equipment and supplies costing over \$0.5 million have been procured for the unit.
5. Sensitization of health care personnel: An increased awareness campaign has been launched at the hospitals, health centres, among doctors, pharmacists and other health care professionals in both the public and private sector. In addition, the medical chiefs of staff at the public hospitals have been mandated to sensitize health care workers on the protocol of care for suspected dengue haemorrhagic fever cases.
6. Refresher workshop: The Pan American Health Organization has been approached and is already favourably disposed to making technical assistance available to conduct refresher workshops on dengue for health personnel.
7. Increased capacity of the blood bank. The Ministry of Health has increased the capability of the blood bank to respond to any increased demand for blood and blood products as may be required in the treatment of dengue haemorrhagic fever patients.

Dengue haemorrhagic fever has so far been a rare occurrence in Trinidad and Tobago.

However, as you may realize, there is a looming threat of dengue haemorrhagic fever which is a potentially fatal complication of dengue. The Ministry of Health alone cannot effectively eliminate this threat. It requires the support and assistance of all individuals and communities.

In conclusion, I call on the national community to heed the advisories coming from the Ministry of Health and to play its part in the eradication of the mosquito.

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Many appeals have already been made with limited success. The population now needs to take this call seriously if we are to arrest a major threat.

Thank you.

ARRANGEMENT OF BUSINESS

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the House proceeds as follows. We would deal with the Mutual Assistance in Criminal Matters Bill, Livestock and Livestock Products Board Bill, Motions Nos. 1 and 2 on the Supplemental Order Paper and Private Bills Nos. 1, 2 and 3.

Agreed to.

2.25 p.m.

MUTUAL ASSISTANCE IN CRIMINAL MATTERS BILL

Order for second reading read.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move,

That a Bill to make provision with respect to the scheme relating to mutual assistance in criminal matters within the Commonwealth and to facilitate its operation in Trinidad and Tobago and to make provision concerning mutual assistance in criminal matters between Trinidad and Tobago and countries other than Commonwealth countries, be now read a second time.

The Bill before the House will give to the state of Trinidad and Tobago, mutual legal assistance powers. In particular, it introduces a range of new powers to assist Trinidad and Tobago, and other states, in the investigation and prosecution of criminal offences.

Principally, it will empower the state of Trinidad and Tobago to carry out the service of process on behalf of another jurisdiction. It will permit the state of Trinidad and Tobago to make applications to the court for evidence to be taken at the investigation and prosecution stage of proceedings in another jurisdiction. It will enable the state to permit persons in detention to appear as witnesses, or otherwise to assist in proceedings abroad. This will be of mutual benefit. It will assist us in similar circumstances. It would permit the search and seizure on behalf of another jurisdiction, that is to say, when requests are made to Trinidad and Tobago and applications made to the court, search and seizure can be effected to

obtain evidence for prosecution abroad. It will give power and make provision for the certification of evidence in Trinidad and Tobago to be used abroad.

The whole question of mutual legal assistance in criminal matters has become very important in the world today. Why has it become so important? With the advances in technology and the ease of global travel, the world in which we live has become in many ways, as was stated by a Canadian author some years ago, a global village. This has had a dramatic impact on many aspects of life and society, and law enforcement agencies are no exception.

The technological explosion, the growth of transnational organized crime and the response of the national community to it, have created many new challenges, not the least of which is the impact on the jobs of law enforcement authorities. In a 1989 case, the *United States of America v Katroni*, the Supreme Court of Canada made the following statement:

“The investigation, prosecution and suppression of crime for the protection of the citizen and the maintenance of peace and public order is an important goal of organized societies. The pursuit of that goal cannot realistically be confined within national boundaries. That has long been the case, but it is increasingly evident today.”

Mr. Speaker, the challenge for law enforcement authorities in every country is that sovereignty, a fundamental principle which grounds the relationship of states, is also a major tool in the armoury of the criminal element in our society. Criminals depend heavily on the barriers of sovereignty to shield themselves and their crimes from detection. Organizations which orchestrate transnational crime and then disperse and conceal the proceeds of their illicit activities the world over, have no regard for national borders. In fact, by structuring their organizations to span borders, they are better able to protect their interests and organizations. They are positioned to take advantage of the differences between legal systems, the clash of bureaucracies, the protection of sovereignties and, many times, the complete incapacity of nations to work together to overcome their differences.

International co-operation in criminal matters, therefore, is important. Such international co-operation in the past has included mutual assistance, and extradition is one of the instruments used to overcome some of the barriers of sovereignty. The international community, therefore, has to become innovative in order to fight back against the international criminal.

Extradition is the surrender by one state, at the request of another, of a person who is accused or convicted of a crime committed within the jurisdiction of the requesting state. This Bill has nothing to do with extradition. As a matter of fact, there is law in Trinidad and Tobago which deals with extradition, and under that law a request has to be made to the Attorney General, a process put in place and extradition can be effected, subject to due process of law.

The Bill specifically states that we are not dealing with extradition. We are dealing with a new concept of institutionalizing mutual legal assistance in criminal matters so that one country can enforce another country's orders and countries can assist one another in the investigation of crime. Every justice system in the world requires some form of evidence for use in the adjudication of criminal culpability for an alleged offence. Whatever the system for determining guilt or innocence, whether it is free evaluation of all relevant information, or consideration of only that which needs specified rules of admissibility, the criminal justice process functions on the basis of an assessment of evidence. Evidence, then, is the focal point for any and all countries which are involved in the prosecution of criminal offences.

Mutual assistance in criminal matters is a process by which states seek and provide assistance in gathering evidence for use in criminal cases and also to enforce each other's orders in respect of criminal matters. Mr. Speaker, this concept of mutual assistance in criminal matters as a means of co-operation has advanced most significantly over the last decade. It is well-known that countries have long assisted each other in gathering information and evidence for criminal investigations and prosecutions. There are well-established police-to-police channels through which much essential information has been and continues to be shared. These channels range from direct relationships between police officers and forces to personnel in different states.

These measures remain critical and are very important for co-operation by countries in gathering evidence. However, these channels cannot deal with the problems with which the international community is confronted today. It cannot deal with it because the present machinery would not permit assistance to be given for the searching of property in one country for evidence to be used in another country.

It cannot be done because it needs the assistance of the judicial process in one country to do that for another country. So it has become necessary for this concept of mutual legal assistance in criminal matters to be buttressed by another structure,

and resort to the legal process by getting some kind of judicial order or compulsory measure to assist the investigators.

2.35 p.m.

For example, where a country is seeking the production of bank records, or to search a residence, there is need for a judicial process through which the appropriate authorization can be obtained. This Bill permits that. In going through the Bill, one would see that if there is a request to a competent authority in Trinidad and Tobago and that authority under the Bill is the Attorney General, the office of the Attorney General then makes an assessment to see whether it complies with the law and there are certain considerations to be used to determine whether the request would be complied with. The public interest has to be considered and if it is of a political nature abroad, there is a discretion given to the executive arm of the state to the Attorney General to determine whether that request would be complied with. Assuming that the request is to be complied with, then steps would be taken to make application to the court to get the necessary orders to effect search and seizure and the evidence then has to be certified and sent abroad and it can be used as evidence in those matters. That is the kind of machinery that we are talking about in this Bill. There used to be, and still exists, and it would not prejudice, agreements which can be entered for other kinds of mutual legal assistance.

This Bill is dealing with more power given to law enforcement agencies to deal with international crime such as drug trafficking, organized crime, money laundering and matters like that. It would also mean that assuming that Mr. "A" in Trinidad and Tobago is convicted of drug trafficking and there is an order that his property which is derived from drug trafficking is to be seized but he does not have it in Trinidad and Tobago, whether it is land, money, car or jewellery, the order in Trinidad and Tobago can then be filed in the country where there is property belonging to Mr. "A" and there will be power to seize his property by an arrangement between both countries. A percentage of the assets seized would be given to Trinidad and Tobago. Normally, the percentage in the international market is 65—70 per cent for the country which has requested it, and 30—35 per cent to the country which has effected the necessary order and it works on a mutual basis. One sees the innovation which this concept would bring in the investigation and detection of international crime.

Mr. Speaker, we should say that in the second half of the 20th Century it became quite clear that there was need for assistance in gathering evidence where

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there was transnational crime, and because of the increase in this type of crime, countries got together and decided that something had to be done in order to deal with this matter. Mutual legal assistance in criminal matters therefore, is a mechanism of co-operation which allows for a wide range of assistance between states in the production of evidence in a direct and efficient manner. It is generally rendered on the basis of a bilateral treaty or agreement, or multi-lateral convention which provides a means for one state to obtain evidence from another state and then it is effected by domestic legislation which gives the domestic legal framework for enforcing the orders.

One of the major advantages of this form of co-operation is that it covers a broad range of assistance including *inter alia* the taking of evidence or statements of persons; search and seizure; the provision of documents or evidentiary items; the service of documents and the temporary transfer of persons to assist in an investigation, or to appear as a witness. Assistance can be rendered at any stage of a criminal process from investigation to appeal as well.

Generally, mutual legal assistance in these matters is rendered directly between competent authorities, which are often ministries and the relevant ministry is the justice ministry. That is regarded as such, because it is felt that in order for the concept to be fully implemented, there must be a reduction in the bureaucracy, so there must be direct contact between ministers who can make decisions on behalf of the country, and relevant ministers who could direct the necessary legal machinery to make the applications to the court.

Mr. Speaker, if I may mention a few countries which have introduced the Mutual Legal Assistance Bill. They are Barbados whose central authority is the Attorney General; Australia whose central authority is also the Attorney General; Canada, a similar bill has been introduced and passed and the central authority is the Attorney General; the United States of America the central authority is the Attorney General; New Zealand, similar measure was taken and the central authority is the Attorney General.

When one comes to the provision of the Bill, one sees that there are certain decisions which have to be made which cannot be made by any statutory authority or government agency, it has to be made by an appropriate minister. Therefore, the policy is to have quick action, and a reduction of beauracracies and it is in that context this Bill is brought in this form.

This Bill has a history. It was introduced in the other place on the basis that it needed a three-fifths majority and the Opposition voted against it. It was supported

by Independent Senators and the Bill was passed with the specified majority in that place. We knew that in this place the Government does not have that specified majority so we looked at the Bill again and made certain amendments and we are asking that the Bill be passed by a simple majority and returned to the other place to have the Bill passed by a simple majority.

I mention that because I would be failing in my duty if I do not explain why there are certain amendments proposed in the Bill. Over the last decade, great strides had been made in the development of a framework of instruments for the rendering of assistance in these matters. The first significant instrument for mutual assistance was the European Convention on Mutual Assistance in Criminal Matters developed by the Council of Europe on April 20, 1959 which came into force in June of 1962. It was an important achievement because it recognized the necessity for specific instruments of co-operation in evidence gathering. However, like all new instruments, there were limitations.

2.45 p.m.

Later, in 1986, the Commonwealth Law Ministers in Harare, Zimbabwe adopted a scheme for mutual assistance. The Bill is substantially what has been adopted by the Commonwealth Law Ministers. This was a non-treaty scheme which depended upon states to enact domestic legislation to permit assistance to be rendered in criminal matters.

There have also been other developments; there have been an Inter-American Convention on Mutual Legal Assistance in Criminal Matters and an Economic Community of West African States Convention on Mutual Assistance in Criminal Matters. The United Nations on the Vienna Convention in 1988, in effect, requested states to have similar measures.

One recognizes that measures like these can be totally useless unless there is effective implementation, therefore the Bill has been drafted in such a way to provide for speedy and effective implementation.

If we look at the Bill, Mr. Speaker, we will see that it deals with the question of the definition which refers to the scheme. In Part I of the Bill it says that the Central authority is the Attorney General. Mr. Speaker, when the matter went to the other place, for some reason or the other, the Opposition had great objection to the office of the Attorney General being the Central authority under this Bill.

Clause 6 says:

“Nothing in this Act authorises the extradition, or the arrest or detention of any person for the purpose of extradition.”

Mr. Speaker, I am making that point so that one must not confuse mutual legal assistance. This Bill cannot be used, therefore, to extradite persons to other countries.

Part II clause 7 of the Bill says:

“Where there are reasonable grounds to believe that evidence or information relevant to any criminal proceedings may be obtained, if, in a Commonwealth country—”

It deals with requests by Trinidad and Tobago to Commonwealth countries for assistance. One sees that if evidence is taken from any person, information is provided, judicial records or samples are given, if a building or place is viewed and if, in Trinidad and Tobago it is felt that any of these things can assist an investigation and these objects and matters are abroad, then a request may be transmitted by the Central authority in Trinidad and Tobago, that is the office of the Attorney General, to that country for assistance. Just as we would have powers to do what we would do when we come to it, they would have the power to provide that assistance.

If one wants evidence or information, clause 8 deals with where there is need to locate an individual or get the identity of the person. If for some reason one wants to locate an individual and it is necessary to get court orders or judicial hearings to find out information, or we need to get the identity of a person, the law enforcement agencies in Trinidad and Tobago can, if they satisfy the conditions of the Bill, make a request and the country with which we have that scheme would be obliged to assist.

In clause 9, if one wants to have an article or thing which would assist in evidence—let us assume that the police in some investigation in Trinidad and Tobago, got information that somewhere in Canada, England or America there was some piece of evidence—there can be a request, and an attempt can be made to get that piece of evidence.

Clause 10 deals with the question of getting assistance from abroad in arranging the attendance of a person who may assist us in investigations. One sees quite clearly that one cannot do that without the signed consent of the person.

There was a clause that said: "After a person has given his consent in certain circumstances that consent could not have been withdrawn." and one of the amendments to this Bill is to delete that clause in order to bring it in conformity with the Constitution of Trinidad and Tobago so that it could be passed by a simple majority.

Clause 11 deals with the question of granting safe conduct to a person if that person is to come to Trinidad and Tobago. I will read it very quickly:

"The appearance in or transfer to Trinidad and Tobago of a person referred to in section 10 shall require, if the person or the Commonwealth country so requests prior to such appearance or transfer, that Trinidad and Tobago grant safe-conduct under which the person, while in Trinidad and Tobago,..."

The conditions are mentioned so that the person's rights and entitlements would not be taken away in any way.

Clause 12 of the Bill says:

"Where there are reasonable grounds to believe that a person who is a prisoner in..."

Trinidad and Tobago

"...could give or provide evidence or assistance, relevant to any criminal proceedings..."

In a Commonwealth country a request may be entertained by the Central authority to transfer the prisoner to the Commonwealth country to give or provide such evidence.

Clause 12(2) says, that the Central authority shall comply with the request of the transfer of a person in custody if he does not consent, in writing, to the transfer. This clause has, however, gone on to say that the consent, once given, shall not be capable of being withdrawn. Mr. Speaker, we are asking for that to be deleted and there are amendments which have been circulated.

Clause 15 deals with the transmission and return of documents and it speaks for itself. It shows that under this Bill there are very wide powers being given to assist in the investigations.

Clause 16 deals with the restrictions and the use of the evidence.

Clause 17 deals with the evidence of immunity and privileges in relation to powers being exercised under this Bill.

Clause 18 is very important and, perhaps, for non-lawyers I would read and explain parts of it. I quote:

“Where—

- (a) a person has been charged with or convicted of a serious offence or is suspected on reasonable grounds of having committed such an offence in Trinidad and Tobago; and
- (b) property derived or obtained, directly or indirectly by that person from the commission of such an offence, is suspected on reasonable grounds to be located in a Commonwealth country, a request may be transmitted requesting that assistance be given by that country in identifying, locating or assessing the value or amount of such property.”

So one sees how the assistance can be given.

I want to make it quite clear, Mr. Speaker, that the provisions of this Bill, as amended, do not take away anybody's fundamental rights in violation of due process of law. It is sometimes forgotten that the Constitution of Trinidad and Tobago guarantees fundamental freedoms and rights and that those fundamental freedoms and rights are not absolute. As a matter of fact, if one examines sections 4 and 5 of the Constitution, one would see, for example, that it is the right to the enjoyment of property and not to be deprived thereof, except by due process of law.

2.55 p.m.

Put it in this context, Mr. Speaker. If, for example, the Government of Trinidad and Tobago wants to search someone's home with the powers to be exercised under this Bill, as long as there are procedures to go to the court and the courts can make that order, that is acting in accordance with due process of law. To those of us who have followed history, we remember the Magna Carta which talked about due process of law in accordance with the law of the land, in accordance with orders of court. One would see in the Bill the powers to be exercised insofar as they impinge upon, or affect the enjoyment of fundamental rights, property and liberty, and are safeguarded with application to the courts so that people can have an opportunity to challenge them.

I do not want to make this a law lecture, but one also knows that has been developed. As a matter of fact, quite recently, in many cases coming from Trinidad

and Tobago—the cases involving Chookolingo, Harry Kissoon, and the Jamaat-al-Muslimeen—the Privy Council made it quite clear that fundamental rights are not absolute. If there is a procedure for these rights to be taken away, it must be fair, and fair procedure means that one must have an opportunity to have one's day in court. Mr. Speaker, this has to be said because there seems to be a misconception that the state cannot in any way deny people the enjoyment of property. The state has denied people over the years, since 1962, and has continued to do that, but it must do that in accordance with due process of law.

Part III of the Bill deals with requests by Commonwealth countries to Trinidad and Tobago for assistance. One sees that it is on a mutual basis that the Commonwealth countries can ask for assistance and there is a schedule with which the requests must comply. One sees how considerations have to be used by an appropriate authority under the Bill to make decisions in this matter.

Mr. Speaker, clause 22:

“(1) Subject to this section, a request for assistance under this Act duly made by a Commonwealth country shall be accepted.

(2) Such a request shall be refused if, in the opinion of the Central authority—

- (a) the request relates to the prosecution or punishment of a person for an offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political character;”

So, the Central authority in Trinidad and Tobago would have to examine the facts, examine the principles of law, and determine on policy consideration, and in accordance with law, whether the request should be entertained.

When one is making decisions of a political character as to whether there should be a prosecution, that must be done at a ministerial level. Mr. Speaker, it can be refused where 22(b) says:

"There are substantial grounds for believing that the request has been made with a view to prosecuting or punishing a person for an offence of a political character".

One sees the nature of the functions which have to be exercised by the Central authority where clause 22(c) says:

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"There are substantial grounds for believing that the request was made for the purpose of prosecuting, punishing, or otherwise causing prejudice to a person on account of the person's race, sex, religion, nationality, place of origin, or political opinions".

Under the Extradition Act, the Attorney General makes that decision and the office of the Attorney General makes that decision, because the Constitution of Trinidad and Tobago authorizes the Attorney General to make that kind of decision.

It is recognized that there are not only administrative decisions to be made here, but there are quasi-judicial decisions to be made, and under our system and our structure of Parliament and government, the only office-holder who can make that decision is the Attorney General. Mr. Speaker, those principles are quite clearly set out, and for the record, *The Attorney General Politics and Public Interest* by Edwards, in effect, shows that decisions like these are to be made not by agencies, but by a minister of government, and the Attorney General, under the Westminster system makes that decision on behalf of the executive arm of the state.

If there is any prosecution on the basis of a person's race, sex, religion, nationality, place of origin, or political opinion, the executive arm of the state makes that decision and the institution is the office of the Attorney General. Clause 22(d) states:

"The request relates to the prosecution or punishment of a person in respect of conduct that, had it occurred in Trinidad and Tobago, would have constituted a criminal offence under any law giving effect to a state of emergency, but if the conduct alleged would have amounted to a criminal offence under any other law of Trinidad and Tobago, this sub-paragraph shall not apply."

One sees that legal consideration has to be used. Legal principles have to be considered in making a decision as to whether the request should be accepted. I would not read them, but if one continues from (e) to (l), one would see that there are legal issues which have to be considered.

Mr. Speaker, in subclause 3 of clause 22:

"A request for assistance made by a Commonwealth country may be refused, in whole or in part if, in the opinion of the Central authority—

- (a) the request relates to the prosecution or punishment of a person in respect of conduct that, had it occurred in Trinidad and Tobago, would not have constituted an offence against the laws of Trinidad and Tobago;”

One sees that when the request comes, the facts have to be considered, the law has to be considered, and it has to be determined whether it creates an offence in Trinidad and Tobago, because if it does not, the request cannot be complied with. If the Central authority acts in violation of the law, the state of Trinidad and Tobago can be open to claims for damages, and it can, in effect, be an imposition on the taxpayer. One knows that the State Liability and Proceedings Act—and I am sure the hon. Member for San Fernando East would know these provisions very well—says that in those matters, the Attorney General represents the state.

That Part continues, and clause 24 of the Bill also deals with the question of assisting a country in locating or identifying a person. One sees, Mr. Speaker, that can be done and the power is given how it can be done. The next section is “Assistance to countries in obtaining article or thing, by search and seizure.” I want to read this so that members would understand it is not just the executive arm of the state getting a request and going in a person’s house, searching it and taking the article.

3.05 p.m.

Under clause 25(1):

- "(1) This section applies where a request is transmitted seeking assistance by Trinidad and Tobago in obtaining, by search and seizure if necessary, of an article or thing in Trinidad and Tobago for the purpose of, or in connection with, any criminal proceedings in the Commonwealth country making the request, and the request is accepted.
- (2) Where this section applies, the Attorney General shall, unless the article or thing concerned is otherwise lawfully obtained, authorize in writing the Commissioner of Police to apply to a magistrate for a search warrant in respect of the article or thing.
- (3) The Commissioner of Police authorized under subsection (2) may apply for the issue of a search warrant to a magistrate having jurisdiction in the area where the article or thing is believed to be located."

Mr. Speaker, if I may just say, it is the same kind of procedure in respect of an extradition. The request goes to the Attorney General, a consideration is made, and then an application is made through the police for a warrant. It goes on:

"(4) The authorisation given to the Commissioner of Police pursuant to subsections (2) and (3) may be executed on his behalf by any member of the Police Force.

(5) The laws of Trinidad and Tobago with respect to—

- (a) the making and disposal of an application for a search warrant; and
- (b) the execution of a search warrant,

apply to an application under subsection (3) and to the execution of any warrant issued pursuant to any such application."

Mr. Speaker, one sees due process of law. That liberty, property can be effected, but in accordance with the due process of law.

Mr. Speaker, assistance in arranging the attendance of a person. One sees what happens. I would not read the section, but it, in effect, provides for assistance to be given in arranging the attendance of persons in other countries. One sees in clause 27 the question of assistance in arranging for transfer of prisoners.

Clause 28 states:

"(1) This section applies where a request is transmitted seeking assistance by Trinidad and Tobago in effecting the service of a document on the person or an authority in Trinidad and Tobago for the purposes of, or in connection with, any criminal proceedings in the Commonwealth country making the request, and the request is accepted."

So if we accept that request:

"(2) Where this section applies, the Central authority shall—

- (a) use its best endeavours to have the documents served—
 - (i) in accordance with procedures proposed in the request; or
 - (ii) if those procedures would be unlawful or inappropriate, or no procedures are so proposed, in accordance with the law of Trinidad and Tobago; and

- (b) if the document—
 - (i) is served, transmit to the central authority for the Commonwealth country making the request a certificate as to service; or
 - (ii) as the case may be, is not served, transmit to that central authority a statement of the reasons which prevented the service."

Mr. Speaker, clause 29(2) also shows that the central authority can give assistance to a country in tracing property. So one sees that we can assist a country in the tracing of property to be identified for the purposes of seizure. Clause 29(2) states:

- "(2) Where this section applies, the Central authority—
 - (a) shall use its best endeavours to give assistance requested and, in doing so, may invoke such powers and procedures as may be prescribed for the purposes of this section; and
 - (b) shall inform the Central authority for the Commonwealth country making the request as to the outcome of those endeavours."

One sees under clause 30(2) where it deals with confiscating of property, it states:

- "(2) Where this section applies, the Attorney General shall cause an application to be made to the Supreme Court in accordance with the rules of the Supreme Court for the registration of the order concerned."

It goes on to give the particulars of due process of law.

So, Mr. Speaker, one sees that either in searching property, confiscating property, or in getting restraining orders, as in clause 31, it is in accordance with applications made to the court.

Mr. Speaker, in Part IV of the Bill, one sees that it deals with, "Application of Act to Countries other than Commonwealth Countries". It defines what a non-Commonwealth country is and it says in clause 33 that this Bill can apply where there is a treaty between a non-Commonwealth country. This Bill can apply, but it can only apply where:

"(1) ...the Minister may, by Order, subject to negative resolution of Parliament, declare that country to be a country to which this Act applies."

It means that if a non-Commonwealth country enters into a treaty with Trinidad and Tobago, it is necessary to have these provisions which are covered by that agreement. Then, in order for there to be a domestic enforcement of those provisions the Government has to make an order and that order is subject—but it can be vetoed by a negative resolution in Parliament—to such limitations and qualifications as are necessary.

Mr. Speaker, clause 34 deals with miscellaneous matters. Clauses 35 and 36 deal with prisoners in transit. Clause 38 deals with if a prisoner escapes from lawful custody he can be prosecuted for that. In clause 40 it gives a definition of what is meant by a drug trafficking offence and the rest of the Bill and Schedules speak for themselves.

Mr. Speaker, I would urge hon. Members in this House to support the Bill. In the amendments which have been circulated one would see that there are two lists of amendments. The Chief Parliamentary Counsel Department considers one set to be typographical. Out of an abundance of caution, I would propose all the amendments, but I am really dealing with the amendments which were not considered to be typographical. There is a proposal to delete the preamble which states that:

"WHEREAS it is enacted by section 13(1) of the Constitution that an Act of Parliament..."

That is the normal preamble where it needs a specified majority. In light of the amendment and the consideration that I have given to this Bill, we are deleting that in relation to clause 13 which I talked about. We are deleting that a person will not be able to withdraw his consent once he has given it. We are taking the opportunity to make it clear with respect to criminal proceedings and to have it properly defined in the appropriate places. Mr. Speaker, the certificate at the end of the Bill, we are asking for that to be deleted.

Mr. Valley: Mr. Speaker, just for my own clarification, is it simply that the Attorney General or the Government can now say this Bill no longer requires a special majority, is that so? Or, Mr. Speaker, does he have to satisfy you that the Bill no longer requires a special majority? Just for my own clarification.

Hon. R. L. Maharaj: Mr. Speaker, this is the reading of the Bill in the House of Representatives. The Government made its decision and the Parliament decides. If the other side believes that the Government is wrong, the Opposition can go to court, have the action challenged and say that the Bill is unconstitutional. The Government has made a decision and the Opposition is entitled to test it and see how good that decision is, they can raise whatever issues they consider to show that the Government is wrong. I promise you that I will deal with it and would push the issue that you are wrong, but we have taken a decision that this Bill, with the amendment that we are doing, does not need a specified majority.

Mr. Speaker, as I was saying in the certificate, Bills need specified majorities under section 54 of the Constitution. If the Bill contains provisions which are inconsistent with sections (4) and (5) of the Constitution, that means that it is not reasonably justifiable in a society that has respect for the rights of the individuals.

3.15 p.m.

Bills are also inconsistent if they alter any provision of the Constitution. This Bill is not attempting to alter any section of the Constitution so it does not fall in that category. It was introduced in the other place as being inconsistent because there was a provision in it which required that a person can be sent away even though he does not consent. That is to say, if he initially gives his consent and then withdraws it, he can be compelled to go. We had to delete that.

Unfortunately that is an important provision in model legislation but the Government had to make a decision to do without that, in order to get the Bill passed. Mr. Speaker, we are satisfied that the matter has been given extensive consideration and thought and can be passed by this House with a simple majority.

When one looks at the Constitution of Trinidad and Tobago a Bill is inconsistent with a fundamental right if it can be shown that, in some way or the other, it takes away the fundamental right, which is not authorized by law. The point I made is, since under this Bill people's property can be searched and their liberty affected, the courts are given the power to determine whether that should be done. The court is the guardian of the rights of the people. Under our Constitution the Parliament is not the guardian of the people's rights.

The court, under section 40, is given the power to declare any action of the state, whether it is the executive, legislative or judicial arm, illegal or unconstitutional. That is why, if whatever we do in this Parliament contravenes any constitutional right it can be declared unconstitutional.

Mr. Valley: What is the Attorney General saying? Is he saying that the state can take action and then the individual has to go to court to prove that the actions taken are illegal or is it that the state must first get the approval of the courts before it can enter person's properties and so forth?

Hon. R. L. Maharaj: Mr. Speaker, I would have thought that the hon. Member read the Bill but it does not seem so. If the Bill was read, one would see that one has to go to the Court to get the order. I would have thought that the hon. Member had read and studied the Bill. That is the position in respect of this Bill.

The investigations, prosecution and suppression of crime for the protection of our citizens and the maintenance of peace and public order are important goals in any society. This Bill attempts to achieve that and to deal with the question of money laundering, drug trafficking and getting to the root of organized crime. It would assist the people of this country, the Government and the Police in rooting out money laundering and drug trafficking. It would, in effect, provide a mechanism, whereby, people who have proceeds of crime stored in other countries, those proceeds can be attacked and brought back for the benefit of the people of Trinidad and Tobago.

This Bill, therefore, provides the domestic legal framework whereby the law enforcement agencies here and other countries can get together and really attack, meaningfully, international organized crime.

If we want to save the children of Trinidad and Tobago from being poisoned by these international criminals we must be able to support measures like these.

Mr. Speaker, I beg to move.

Question proposed.

Mr. Fitzgerald Hinds (Laventille East Morvant): Mr. Speaker, I read the *Hansard* report of the debate as it transpired in the other place and I noted that quite a lot of reference was made in all the contributions to personalities. It was clear from the debate that there was some concern about personalities. In fact, the hon. Attorney General alluded to it in both his opening and closing contributions in that place.

What this tells this Member for Laventille East/Morvant is that whatever good one may do, however noble the purpose—and I am not attempting to cast any aspersions—there is always the question of credibility. One may try to do the most

honourable things, but persons pay attention to the past to gauge prospects for the future. Whenever this Government—particularly legislation piloted by that Member for Couva South—comes before this House or in the other place, I think that persons can quite legitimately exercise their mind as actively as they can, looking well into the past and projecting as far into the future as God gave them the capacity to do. Thus, the Attorney General must not take offence.

Mr. Speaker, perhaps if the PNM had brought this legislation while in government, we may not have had all those concerns about personalities because we have demonstrated a proud track record that all we have done has been in the interest of the people of Trinidad and Tobago.

Yet, from my recall of *Hansard* records of the debates gone by, for example, on the Dangerous Drugs Bill and the Bail Bill which have been passed into law, the Members for Couva South, Oropouche, Couva North, St. Augustine and others, had all kinds of things to say. Without justification they just did it. People in my constituency called on me to take action and do things because they have seen things done from Opposition Benches in this House and they say that we should do it. I had to remind them that we are of a different standard.

More specifically, this Bill deals with mutual assistance in criminal matters in the Commonwealth and to facilitate its operation in Trinidad and Tobago and make provisions concerning mutual assistance in criminal matters between our country and those outside the Commonwealth. [*Interruption*].

Mr. Bereaux: "Why yuh doh shut up!"

Mr. F. Hinds: Mr. Speaker, we are now attempting, in satisfaction of our international obligations, bilateral and multilateral, the Vienna Convention and bilateral arrangements, no doubt the Shiprider Agreement being one of them—it was done bilaterally—we are now seeking to put legislation in place to satisfy our international obligations, mutual assistance.

In his closing remarks the Attorney General spoke about our needing to do this in order to protect the children of this nation from being, as he put it, "poisoned". I think he is quite right in principle. You just have to walk the streets of Port of Spain to see the poisoning the Attorney General is speaking about. On Saturday morning I was downtown and saw a young man—I will tell you briefly—with whom I went to school. He was battered and almost torn apart, bleeding from his

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nose. He told me he was a cocaine addict and he had gone to rehabilitation on about four occasions but was not able to overcome this evil power that had possessed him.

3.25 p.m.

Mr. Speaker, drugs are easily available right here in Port of Spain, all over Trinidad and Tobago, and when we contemplate providing mutual assistance for countries other than Trinidad and Tobago, I want to suggest that we need some real assistance here for ourselves—serious assistance—and I feel that we might have to wait until there is some arrangement between the people of Trinidad and Tobago and the People's National Movement once again in order to get that.

Mr. Speaker, I am saying, in effect, we need some mutual assistance right here in Port of Spain, Trinidad. I do not know if the Attorney General is aware and if so, how will it be done because all of the claims dealing with these matters do not seem to have very much effect and the army of poisoned children continue to increase, not only by individuals, but it appears by the battalions. I want to bring that to the Attorney General's attention.

Mr. Speaker, the Attorney General—just on a preliminary point—told this honourable House that this Bill had nothing to do with extradition and as a good lawyer—in fact, let me take the adjective out—as a lawyer, the Attorney General tells us, “Yes, it has nothing to do with extradition”. I am saying that an extradition treaty is a mutual assistance treaty. What is it? It is an arrangement between one Government of a state and another, to assist that state in mutual assistance, to get persons who they need. So indeed, an extradition treaty is about mutual assistance and the Bill before this House is about mutual assistance. It is just a piece of the puzzle that is being put in place. The first piece was the Shiprider Agreement which was never laid in this House; which we have never seen; as Members, we have read about it in the newspapers, and following that, a hasty beat down the road to bringing this Bill.

Mr. Speaker, I want to contest the suggestion that this Bill has nothing to do with extradition, not directly but very indirectly, because when you would have assisted the other state in terms of preparing the evidence and the case against man X in Trinidad and Tobago, he being wanted in the United Kingdom or the United States, which is more likely, then all you need after—and we already have it in place—is the extradition treaty in order to send him packing. So this Bill does have to do with that and that is my submission. Maybe the Attorney General does not see it that way but I hope that he opens his mind and contemplates what I have just said.

Mr. Speaker, a number of concerns were expressed in the other place and the Attorney General, recognizing that it might be raised here today, spent some time dealing with the question of the choice of Government as a matter of policy, in terms of where it places the responsibility to administer and monitor the operations of this legislation. The Government, as a matter of policy—I am not sure if it is the Government; I rather suspect it is the Attorney General—decided that the central authority should be the Attorney General and that does not surprise me. The Attorney General has decided many things in his own interest for the little while that I have been here. The Member for Siparia will know quite well what I am speaking about. Very early in the Member's parliamentary existence, the Member felt what I was speaking about, to her great disappointment. At any rate, Mr. Speaker, the Attorney General is quite capable of doing things for his own good and every Member of that side knows fully well that the words that have just come forth from the mouth of the Member for Laventille East/Morvant are entirely correct. They know.

Mr. Speaker: I am constrained to bring to the mind of the hon. Member, that Standing Order 36(5) is very clear. It states:

“No Member should impute improper motives to any other Member of either Chamber.”

I rather think that is how you are coming over. I ask you, please, to desist.

Mr. F. Hinds: Mr. Speaker, I oblige and I wish, therefore, that those elements that came over in that way, to sincerely indicate my regret and to assure you, that it was not at all my intention. In fact, it is not something that this Member ever wishes to be a party to. Mr. Speaker, I shall proceed having been properly guided but I meant no such offence. I assure you, none.

Mr. Speaker, I continue with your guidance. We had concerns and expressed them in the other place about the choice of the Government for the central authority. The hon. Attorney General in the piloting of this Bill, said that evidence and its collation are critical and it is in this sphere that this Bill is reinforced. Mr. Speaker, the office of the Attorney General is a political office so that the concerns are quite, in my view, legitimate. In the other place, the Attorney General said—I need not quote him and this is correct—under the aegis of the Attorney General, there is the Solicitor General and the Director of Public Prosecutions' office.

The Director of Public Prosecutions' office has been established in section 90 of the Constitution and that establishes the independence of that office. Though I

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submit administratively it may fall under the office of the Attorney General, the Director of Public Prosecutions could not take into account matters extraneous to his own discretion in deciding, for example, whether to prosecute or otherwise. Administratively it may be there, but the office of the Director of Public Prosecutions is independent in a constitutional sense of the office of the Attorney General. That, the Attorney General will never dispute.

Mr. Speaker, if, for example, as the Attorney General pointed out, there is a political matter for which someone who is in Trinidad is wanted in the United States, I do not have to think very far. There is an author of world renown now, who has been residing in the United Kingdom for most of his life, who is wanted for so-called offences against persons elsewhere. That is highly political. I do not see the Government of the country where he is at the moment, ever, whether it had this kind of arrangement in place or not, sending him. *[Interruption]* It is political.

I give another example. There are about two or three persons wanted by the Government of one country in connection with the Lockerbie bombing of Flight 103 over Scotland. It is reported that they are now residing in a certain country and that is very political. It is a criminal offence being alleged but there is a criminal element and I do not easily see the Government where they are residing now, sending them to any other country. A lot of negotiation and international pressure is taking place in respect of that.

Mr. Assam: That is why Mandela is trying to negotiate.

Mr. F. Hinds: I take the point from my dear friend, the Member for St. Joseph. When the Attorney General talks about discretion being exercised by the central authority which he proposes to be himself as the Attorney General, and he is a politician, this may sound ridiculous but what if the country outside wants someone from a political party or political persuasion separate from his, is it not possible that he can be biased or prejudiced in the exercise of his discretion?

Mr. Assam: He took an oath.

Mr. F. Hinds: I see many men take oaths and treat them as though they were never taken, hon. Member.

Mr. Speaker, while in Australia and Barbados, as the Attorney General pointed out, the central authority designated as a matter of policy in the legislation is the Attorney General. In the context of Trinidad and Tobago, we are not sure what exists in Barbados nor, indeed, what exists in Australia but we have, for example,

the Director of Public Prosecutions—well, I would not even suggest the Director of Public Prosecutions.

Mr. Speaker, we already have, and this Bill touches on it and I can deal with it immediately. Section 41 of the Bill says:

“The written Law referred to in column 1 of the Second Schedule is amended as correspondingly set out in column 2 of that Schedule.”

The effect of this section of the Bill is that the central authority was already under the strategic services legislation, designed or established for the central authority for dealing with the selfsame purpose that this Bill is trying to achieve. What the Attorney General has done in this legislation, is removed that responsibility from the Strategic Services Agency (SSA) to persons in his office. The Strategic Services Agency is not a political organization or body. The Attorney General is a politician and, therefore, in the exercise of his discretion, some political bias can quite easily be brought to bear.

Mr. Speaker, that is the heart of one of the problems we have. The Attorney General tells us that recognizing that if he came the same way he went to the other place with this legislation, a special three-fifths majority was required. The Attorney General was bold enough to tell us that he lacked his own confidence of being able to persuade hon. Members of this House and decided to amend the legislation so when it comes to this House there would be no question of the need for a special majority. I find that rather bold and unprincipled, quite honestly. The legislation was taken which reflected, I suspect, Cabinet's decision as a matter of policy, through the Attorney General; it went to the other place, recognizing that there was some difficulty there and anticipating that there would be more difficulty in this House with the three-fifths majority. For this reason and that reason alone, the legislation was amended so that that difficulty would not have to be dealt with in this House.

What does that say for this Chamber? We are told, boldly, that this is done in order to avoid the hurdles of the majority in the House and then the legislation would be taken back to the other place.

Mr. Assam: You want us to take the necessary risk; that is risk management.

Mr. F. Hinds: I thought that the Attorney General would be so confident that he should be able to come to this House and persuade hon. Members of the rightness of the legislation which was piloted in the other place for the good of

Trinidad and Tobago. What the Attorney General has done is turn around, run away and try a strategy, but I wish the Attorney General well.

Mr. Speaker, what the Attorney General did, was to effect an amendment which happened in the other place. It was proposed that the Attorney General, being designated under this as a central authority, would be able to delegate his function in that capacity to some individual or organization.

3.40 p.m.

Every one of the contributors to the debate in the other place rejected it firmly. It was effectively said: "We do not know who the other person is, we do not know who the other body would be. Why should we give a blank cheque to the Government now to be able to delegate an important function such as that to someone else?" So the Attorney General took that out. One suspected, and in fact it was alluded to in the other place, that the agency to whom the Attorney General wanted to designate these interesting and far-reaching powers is not an organisation that we know of in Trinidad and Tobago. It has never been debated in this House. We know nothing about it. It was raised in the debate; mention was made of the Caribbean Research Institute. What an innocuous name. Nobody knows anything about it. All that one learnt is that a member of my constituency, who is an attorney at law was recently interviewed with a view to being appointed by the Caribbean Research Institute.

I look to our neighbours in South America and I see the very difficult circumstances that exist there. It is suggested that that part of the world has much of the activity that the Attorney General says this is trying to curtail. We have seen special prosecutors appointed in those countries. In Colombia, for example, there are special prosecutors. They are trained to look at legal matters and drug matters. They do their own investigation, they compile their evidence, and they prosecute as well. One is obliged to consider whether that is the direction that we might be taking in Trinidad and Tobago. If it is not, nothing is wrong with raising the question for debate. It is our duty here to ensure that whatever legislation we put in place will not bring greater harm but the greater good to the people of Trinidad and Tobago. So he pulled that out and he pulled more out because he believed he could not come here and succeed with that kind of legislation. I certainly urge the Attorney General to be very, very thoughtful for the long term in terms of what he is doing. Be very, very careful; we do not know where we are going and we are going at a brisk pace. I am deeply concerned.

Clause 7 of this Bill, Mr. Speaker, establishes a dichotomy between Commonwealth countries and countries other than the Commonwealth. The Attorney General said in his remarks a while ago that where there are countries other than the Commonwealth, we, Trinidad and Tobago, will enter into a bilateral arrangement with them and this legislation will work having established that bilateral relationship. The relation with Commonwealth countries, because of the history of the Commonwealth, makes it relatively easy to work with on legal matters because we have come out of the same jurisprudence. But when you are dealing with countries other than the Commonwealth, take for example if you establish in two months' time a treaty with Kuwait, Mongolia or Nigeria which started off as being Commonwealth but are now outside the Commonwealth for reasons which the international community—at least the Commonwealth Association felt, should be so. Particularly the first two examples I am giving, their laws or jurisprudence are entirely different to Trinidad and Tobago's jurisprudence. They may make a request of the central authority here which we are saying should not be the Attorney General, and with his English jurisprudential background assumes—because we saw a footballer here recently, who was in the Middle East and he tried to explain when he returned here that the whole situation insofar as the law is concerned is very different from that which we know.

I have concerns about putting in place legislation today, in 1997, that is supposed to work mutually with some country which we do not even know, that might eventually crop up in six months' time and whose jurisprudence we are entirely unfamiliar with. So, the fellow is in Trinidad and Tobago; a request is made from the country that wants him; evidence is compiled, who knows, maybe an extradition treaty as well, and he is on his way to death perhaps. Who knows!

Mr. Assam: You are speculating [*Inaudible*] You are a lawyer.

Mr. F. Hinds: I want to submit to the Member for St. Joseph that foresight is the greatest gift that God has ever blessed us men with.

Mr. Speaker, the Attorney General attempted to convince this House that so long as due process, as he called it, is in operation, in vogue practised in a particular case, then there can be no question of infringement of an individual's constitutional rights. The Attorney General has a tremendous amount of legal experience, so he claims. I would not make such a claim, but my understanding of the Constitution tells me differently. I want to ask, in contradiction to what he has said, there are many cases where due process—to my understanding due process is about procedure. When you talk about due process, natural justice is what those

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with a background in English jurisprudence call it; in the United States and other places they call it due process. I want to suggest that there are many cases where you can have the right procedure and process but it can still be unconstitutional. I want to advance an example.

He said in his closing remarks a while ago that we could properly pass legislation in this Parliament. That is to say first, second and third readings. It could go on to be assented to. We can have all the due process in terms of the passing of legislation and the courts of Trinidad and Tobago can say that legislation is not constitutional.

[MR. DEPUTY SPEAKER *in the Chair*]

There are many cases. I am replying to the Attorney General. If, for example, a man is entitled, in section 5 of the Constitution, to have an attorney of his choice, once he is held by the enforcement agency, the police in particular, he is entitled to an attorney of his choice for consultation. If the judges rules and procedure and the Constitution say so, he should be told of these rights in keeping with the Constitution. I take it that the rules existed before. Even if he is told that he is not allowed a phone call, or he is not allowed contact with anyone else, effectively he is still not given the right section 5 contemplate and that will be improper. I can think of other examples so I beg to disagree with that submission. I am not persuaded by it at all.

Mr. Deputy Speaker, having read the legislation in preparation for this debate, I had very much to say. But the Attorney General came with these amendments and he was boldfaced enough to tell us. Most of the amendments concern serious matters but he has removed all of them.

Mr. Maharaj: [*Inaudible*]

Mr. F. Hinds: Yes. This is what he has done. I do not know where we are going but, at any rate, Mr. Deputy Speaker, we have expressed our concern that the central authority should not be a body or an office that has political underpinnings. We simply submit that the Strategic Services Agency which was established by an Act of Parliament from which this Bill seeks to remove the very functions such as putting together evidence and being of assistance to persons—it is right here in the Bill, as I pointed out a while ago, in clause 41. Section 6(2)(c) is deleted from the Strategic Services Agency Act, Act 24 of 1995.

3.50 p.m.

The Attorney General pointed out as well that the operation of this Bill is such that it would require legal input. Evidence, he said, is the backbone of all proceedings, whether civil or criminal. He said that putting together the evidence and doing the things that this Bill says it would, getting the evidence; getting the documentation—in fact, clause 7 says:

“Where there are reasonable grounds to believe that evidence or information relevant to any criminal proceedings may be obtained, if, in a Commonwealth country—

- (a) evidence is taken from any person;
- (b) information is provided;
- (c) judicial records, official records or other records, or documents or other articles are produced or examined;...”

We all have a copy of the Bill before us so I need not go through all of it, but whatever this Bill purports to do, the Attorney General is submitting that one of the reasons for doing it and causing the Attorney General’s office to be the central authority, is because legal input would be required.

That does not convince me, because whether it was Caribbean Research Institute (CRI), Strategic Services Agency (SSA), the Ministry of National Security, or the Ministry of Trade and Industry—even if that was designated as the central authority, legal expertise could be hired. So do not suggest that because legal expertise is required—and I accept that might be necessary in terms of dealing with this legislation—it has to go in the office of the Attorney General. There is a legal officer at the Ministry of Trade and Industry.

Mr. Deputy Speaker, I want to say, in conclusion, having expressed our main concern with this legislation, a concern with which the Attorney General is only too familiar, that this is why he withdrew certain spurious aspects of the Bill and has done what he has done today. I say, again, as I said in the beginning, that we need some mutual assistance right here in Trinidad and Tobago.

We suggest that it will be totally hypocritical to suggest, and foolish to believe, that in this world all the major ocean liners which are involved in the problems that the Attorney General alluded to and that this Bill seeks to redress, and all of the aircraft that go island-hopping and doing all of those things—because not only the criminals have modern technology; the state has modern technology—that all of

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the activities of these ocean liners, vessels and aircraft are not with state technology in various countries, being observed and recorded.

I remember in 1991 or 1992, with the Gulf War, I saw in amazement that modern technology allowed vehicles that were hidden in bunkers to be detected via satellite. Every time a vehicle moved, the heat from the engine, as it moved from one part of Bhagdad to the next, or one part of Iraq, as it was at the time, was picked up via satellite and the movements of every one of the stud missiles were easily detected. So the state has, at its disposal, modern technology as well.

I want to suggest, in closing, having placed our objections to the issue of the central authority being the Attorney General, that the Attorney General needs to apply his mind seriously to some more domestic matters and let us give mutual assistance to the children of Trinidad and Tobago, who, to use his words, continue to be poisoned.

With those few words, I wish to say, thank you.

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. Deputy Speaker, thank you for giving me an opportunity to make a short contribution to this Bill piloted by the Attorney General, to make provision with respect of the Scheme relating to Mutual Assistance in Criminal Matters within the Commonwealth.

I have listened to the Member for Laventille East/Morvant and I should like to clear up a little confusion which seemed to have arisen over the issue of the central authority. It seemed as though the idea came about after a conference at Oxford which took place from September 5—9, 1994, and coming out of this, the idea was born that the issue of mutual assistance in criminal matters should be pursued.

As far as I am concerned, we are looking at the central agency in two forms. Central agency could be a decision-making body where the information will be looked at and the facts adduced and a decision taken as to how one would proceed with the request that has come from a Commonwealth country.

The other reference to it in clause 2 of the Bill is as follows:

“‘central authority’ in relation to any Commonwealth country means the person or authority designated by that country for the purpose of transmitting and receiving requests for assistance...”

So you have one agency which receives and transmits these requests. To whom, one is yet to decide. That is why I do not see the central authority simply

being an agency that will receive requests and somehow not have the executive authority to take a decision in law to deal with it.

The reference to the Strategic Services Agency, I understand the hon. Member's confusion with the Office of Strategic Services and the SSA, but at the time, when Cabinet deliberated on this whole issue, which was in December 1994, the responsibility was, in fact, given to the Office of Strategic Services, the OSS, which was not an agency that was created in law in this Parliament. That was simply an administrative arm of the Ministry of National Security over which the Minister of National Security had direction and control.

So the issue of substituting the OSS by the SSA, claiming that the SSA is an agency that came about after debate in Parliament and is an independent agency, is somewhat misleading.

This basically seems to be the problem. I am not sure that even if the SSA were to be given the authority to be the central authority, that it would have the wherewithal to take a decision to determine whether or not somebody should be sent to the requesting country based on the evidence, the law or the issues relating to the trial or the case.

4.00 p.m.

Mr. Deputy Speaker, I will give an example. I received correspondence from the Director of the Strategic Services Agency dated October 9, 1997.

Since the office of Strategic Services was identified to serve as the central authority, this information was forwarded to the Secretary General of the United Nations as directed by Article 7A of the 1988 UN Convention. The problem is, as stated in the correspondence:

Accordingly, on occasion the Strategic Services Agency, a successor to the OSS—not that the SSA has been designated—has received request for mutual legal assistance which it has transmitted to the relevant parties.

They have become a transmitting authority and not the central authority as described by the hon. Attorney General. This basically seems to be where the confusion comes in. Reference to the SSA and the OSS is somewhat misleading. I prefer if, in looking at this Bill, one understands that the legal implications do require the central authority to have the wherewithal to take a decision even if it were still under the OSS which would have come under me, the Minister of National Security. If such a request were to arrive, I would certainly be in no position to address it in any comprehensive manner.

The Attorney General, in quoting clause 18 of the Bill, made a comment that he ought to read it completely for those of us who were non-lawyers.

Mr. Deputy Speaker, in the Ministry of National Security, over the last few years, former Minister John Donaldson had legal training but was not at the time admitted to practise in Trinidad and Tobago. He was followed by former Sen. Herbert Atwell who was not a lawyer; the late hon. Selwyn Richardson, an attorney; former Minister Russell Huggins who was also an attorney. For a short time there was the representative from San Fernando East, certainly not a legally trained person, and now, by me.

In the Ministry of National Security, there is not the mechanism whereby just about every Minister would be an attorney unlike the office of the Attorney General, which is prescribed that persons with legal training would hold that office and be sworn in as the person after the Prime Minister. I did miss out the Hon. Joseph Toney who served in the NAR government.

I see the major problem is that of having the ability and the wherewithal to make a decision to respond to the country that is making the request. Basically, I will refer to what was raised by the hon. Attorney General. If one looks at clause 22(3) it says:

“A request for assistance made by a Commonwealth country may be refused, in whole or in part if, in the opinion of the Central authority—”

This central authority must have the wherewithal to make a decision, and give an opinion to determine how the request will be treated. It says in one case in subclause (3)(a) that he can refuse if: “the request relates to the prosecution or punishment of a person in respect of conduct that, had it occurred in Trinidad and Tobago would not have constituted an offence against the laws of Trinidad and Tobago.”

The course that the Ministry of National Security would have had to follow, had it been the Ministry responsible for the OSS to whom the request would have come, would be to refer such a request to the office of the Attorney General. This is as far as I am prepared to go. I simply wanted to clear up the ambiguity about the agencies that while the SSA, in the opinion of the Member for Laventille East/Morvant, may be the appropriate authority, it was not the SSA at the time it was nominated, but the OSS.

Mr. Deputy Speaker, having made those points, I thank you for giving me an opportunity to make a contribution and, perhaps, to clarify the issues surrounding this Bill.

Mr. Hedwige Breaux (*La Brea*): Mr. Deputy Speaker, I make a very brief intervention in this Bill, “to make provision with respect of the Scheme relating to Mutual Assistance in Criminal Matters within the Commonwealth and to facilitate its operation in Trinidad and Tobago and to make provision concerning mutual assistance in criminal matters between Trinidad and Tobago and countries other than Commonwealth countries.

[MR. SPEAKER *in the Chair*]

Mr. Speaker, in fact, the Bill deals with two points. Firstly, in respect of Commonwealth countries, and secondly, of non-Commonwealth countries. As the learned Attorney General said, there would be separate bilateral agreements made.

Before I get into the meat of my contribution, I want to make a very brief comment on the contribution of the hon. Minister of National Security. He comes over more and more as the eternal gentleman. When I looked at this Bill I saw quite naturally where one would have expected the central authority to, maybe, be under his control or himself as the central authority. The Member for Laventille East/Morvant also pointed out that there was a question of personalities in terms of why certain objections were made in the other place to the Attorney General being the central authority. I am going to stay away from that.

I am reminded, however, particularly, when I looked at the debate in the other place, that it was said the hon. Attorney General was acting Minister of National Security while he was Attorney General. I want to utter a word of caution to this Government in respect of that.

I have gleaned and adopted it from the comment made by the former Member for Tobago East in which he indicated that at one time as Attorney General he was asked to hold the position—this statement was not made in this honourable House. The Member was speaking at a Bar Association dinner. The Member pointed out the conflicts of interest that can come when under the office of the Attorney General—which has a peculiar position under the Constitution in respect of the protection of rights of the citizens—that same person holds office as the Minister of National Security.

I just wanted to point that out to the hon. Attorney General and to point out that part of the objection which he would have found from time to time—maybe it was not verbalized in this way—was because it is perceived that the Attorney General is extending onto himself his influence into areas that do not purely involve his own legal position, but also seek to take on an investigative nature so it

runs into a situation where it comes close to the West, where one investigates, you are found guilty, and you are going to be hanged. This is the kind of impression people are getting.

4.10 p.m.

I know the Attorney General is a lawyer of some distinction. I am the eternal optimist, so I am prepared to give him the benefit of the doubt. I think it is only fair that I caution what the population perceives to be happening, particularly when we have grown up with a constitution. Section 90 of the Constitution provides for the position of the Director of Public Prosecutions.

When one looks at some of the things in this Bill that the central authority has to do, one would believe that much of it should reside within the ambit of the Director of Public Prosecutions. That office is special and is protected under the Constitution. It institutes and undertakes criminal proceedings against any person before any court in respect of any offence against the law of Trinidad and Tobago. It takes over and continues any such criminal proceedings that may have been instituted by any other person or authority to be discontinued at any stage before judgment is delivered.

When we think about this country requesting evidence to be utilized in drug-related or criminal matters, one would believe that such requests should originate from the Director of Public Prosecutions. It is quite clear. I know that the Director of Public Prosecutions comes under the ministerial office of the Attorney General. If it were intended that he would be under the control of the Attorney General, they would not have put that specifically in the Constitution and given the Director of Public Prosecutions certain authorities which are separate. He has to exercise his independent judgment. I think that part of it is quite clear.

I do not want to throw any stones. The Director of Public Prosecutions is a colleague of mine of many years standing. We wrote the Bar examination together. When I read on the newspapers that the Director of Public Prosecutions in Trinidad and Tobago attended a political function, I became concerned that the Attorney General is exercising undue influence over him. I hope he does not succumb to it.

Miss Nicholson: That is a serious statement.

Mr. H. Bereaux: It was a serious action. I know from personal experience. I have relatives who have worked for the state and when I am having my political

get-together, I tell them do not come. I do not want to compromise them. That is the kind of attitude I take.

That is why there has been and is this desire to see the Attorney General divorce himself from these likely investigative activities in which the central authority might have to get involved. We are talking about mutual assistance and giving effect to a treaty. When this Bill becomes law, it would enable the Government to enter into bilateral arrangements. That is also a problem. The Government gives the right to do something and then it can get bilateral arrangements with non Commonwealth countries.

What is the experience we have had with respect to bilateral agreements between this present Government and non Commonwealth countries? The Shiprider Agreement comes to mind. I do not understand it! I have to depend on what the professor from the University of the West Indies said about it. With all due respect to her legal competence, as a Member of Parliament in this country, I would have liked this document to be in Parliament, where I could have exercised my right to interpret it.

We are now getting into the case of dealing with mutual assistance with a possible bilateral arrangement. Before we get further, let me say that this mutual assistance document is basically a good and important measure in the fight against international crime. There is no quarrel with that. We must be able to assist and get assistance from abroad with respect to those who have committed crimes and are in this country and *vice versa*.

In doing that, we must always operate under a basis of ensuring that the sovereignty of the country is not infringed. I know that the hon. Attorney General and the hon. Prime Minister who is not here at this time, have said that is an outmoded notion of sovereignty. I believe that sovereignty is still important. When I hear the hon. Attorney General trying to persuade us that because the Attorney General of Barbados is the central authority in respect of the mutual assistance legislation in that country, I said of course, I can see why the Barbadians would want to permit their Attorney General to be the central authority. The Barbadians insisted on their sovereignty and were able to arrange better terms and conditions under the Shiprider Agreement.

If we are going to say that those terms and conditions are not better but they are different, I cannot say. I have to assume that they are better. I have taken the word of the person who knew about it because I was told it was better. As Members of this honourable House, we have been denied the opportunity to view

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and peruse the treaty and come to our conclusions. How on earth is the Government coming to ask us to give it the right to enter into this kind of arrangement to assist a foreign country, when I know it would not be brought to this House before or after? It comes as my old lady would say like, “buying cat in bag”. We have stopped doing that and we cannot do it. We take serious objection to this piece of legislation.

4.20 p.m.

It is not that we do not want to give the Government the power to enter into assistance in criminal matters with others, but we are concerned with how they will utilize it. There are mixed signals coming from this Government. On the one hand, in respect of Venezuela, there was the situation where the *Guardia Nacional* were coming to our shores and committing mayhem in Trinidad and Tobago waters, and the Member for Naparima, the Minister of Foreign Affairs was talking about sovereignty. I supported him in this honourable House. The record will show that I came to this House and sought to have the matter debated. If I had been successful—and I have to bow to the ruling of the Speaker—we might have been able to come up with a consensus and to put our verbal barbs to the Venezuelan authorities. We did not—that is history—and there is no rancour about it. On the one hand we have him talking about sovereignty, and on the other hand, we have the Attorney General talking about outmoded motions of sovereignty. So, I have a problem with that.

We talk much about drugs. We have in Trinidad and Tobago a problem with the taking of illicit substances and its effect on the population. Then there is the exporting of illicit drugs to foreign countries, particularly the United States. Where there is no demand, or if the demand is reduced or dealt with in the United States, then the production, sale and exportation via Trinidad and Tobago will be reduced. I am not seeing a corresponding effort being made by the United States of America to curtail demand in that country.

I think about the ability of the United States and the technology which they have, and I have not seen them putting money into methods by which they can cause people to reject drugs. Maybe they have their own problems there which they are not solving, but are seeking to put the blame on the countries that are growing. Can you imagine why the United States of America cannot find some injection which would make an addict reject drugs. I do not think that enough research is being put into it. More importantly, in everything: international relationship, reciprocity and *quid pro quo*.

There is a situation in this country and the whole of the Caribbean where there is a trade in arms. There are uzis and AK47s which are not made in this country, and the persons noted for shipping them are from the United States of America. The guns that were used in 1990 came from there. I am not seeing them taking any big steps to do anything about it.

What must our Government do? By all means assist the United States and other countries in the curtailment of the importation of drugs via Trinidad and Tobago, but do not only get from them ships, guns and planes to do their jobs, but also get other things. Get them to make commitments to put more money into cutting the demand. If demand is cut, the supply will go down. More importantly, we must also receive from them economic assistance in terms of drug rehabilitation.

Look at the Member for Nariva—I am pleading his case. He behaved in the Occupational Health and Safety meeting, so I will help him. He has a constituency where many persons grow marijuana. They voted for him. Some of them even put money in his campaign, but that is all right, I will leave him with that. He can take from them, I do not really need it. The United States was so interested in spraying the marijuana fields, what assistance have they given to rehabilitate those persons to make them farmers? Where is the *quid pro quo*?

I keep pointing these things out because all I find is that the hon. Attorney General comes here and tells us how good it is. When the Attorney General prosecutes these matters so vehemently—I know he is a good lawyer—one wonders what he has to gain other than being recorded as a top Attorney General, who has enabled all these laws to be passed.

For instance, we now have a situation in the Caribbean where the United States, by tightening its immigration laws are carting back hundreds of hardened criminals to the Caribbean. These are persons who have been involved in criminal activity in the United States for decades. Some of them are psychopaths. They have gotten all the bad habits, trickery and crookedness there, and are being sent back without even giving the governments of the Caribbean their crime records. There might even be child molesters among them and we do not know. In all the hurry, they pack them up, send them back to us, we have to be in the slips to collect them, and we are running into a problem.

We will be unable to deal with this influx of hardened and sophisticated criminals from the very United States Government we are trying to assist with its own drug problems while it is not doing anything to reduce the demand for it. We

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are here trying to work with them and what are we getting? By all means, we want to have legislation of this nature in place, but we must get *quid pro quo*.

It appears, Mr. Speaker, that you are getting ready to stop me.

Mr. Speaker: I know that the hon. Member for La Brea is disappointed whenever I do not pull him up. The sitting is suspended for half an hour.

4.29 p.m.: *Sitting suspended.*

5.03 p.m.: *Sitting resumed.*

Mr. H. Breaux: Mr. Speaker, it would appear that the Members on the Government side are really anxious to hear me continue. In these agreements we have to be careful that there must be some *quid pro quo*. Before we took the break, I was referring particularly to the question where we have entered into the Shiprider Agreement and we have allowed the DEA to set up office in this country. I am not against that because I am aware of the drug scourge, and its use and exportation via Trinidad and Tobago. We need the assistance, but it must not purely be to make us better police officers for the United States of America. It must also have a positive impact upon the lives and well-being of our citizens. I refer to assistance in agriculture, in respect to drug rehabilitation, and to a request that the United States of America in particular, which is the largest market, does something about its own demand for narcotics.

Because of the new, harsh immigration laws of the United States of America, we are seeing that some persons who have been in the United States illegally have been sent back to Trinidad and Tobago. More importantly, even though one had a green card and was convicted of a felony in the United States, that person could also be sent back to Trinidad and Tobago or other Caribbean islands, and a number of these criminals are very sophisticated. They are being sent in a clandestine manner because the authorities in Trinidad and Tobago are not informed when they are returning or about the nature of their crimes. Such a person can commit a crime in Trinidad and Tobago now and appear before the judge or the magistrate and there is no record of any criminal activity on him and he gets a life sentence or even a sentence under the Community Service Order, so one has to be careful. I am pointing these things out as guidelines so that when we enter into these bilateral negotiations, it is done in a particular way.

The Copyright Bill was passed in this House and we spoke about how good it was for our musicians and artistes, but we did not address, in its entirety, the fact that a number of persons are making their living in terms of video shops and most

of them are now being threatened with prosecution under the Copyright Act. In fact, although we honoured certain treaty obligations, we did not focus sufficiently on the effect it would have on the various video club owners and by extension, on our own revenue situation because those clubs pay licence fees. When we are dealing with this, we need to deal with it in its entirety.

I end by saying that whereas I agree, in principle, with the Bill and what it seeks to do, particularly having regard to the fact that it has been sanitized by the Attorney General to remove the portions of the proposed legislation which would allow persons to be moved away from the jurisdiction without due process, I suggest that this central authority should rest elsewhere.

Thank you.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, may I express my thanks to hon. Members on the other side for their contributions, but may I say with the greatest respect to them, it reflects that they really do not comprehend the role, functions and duties with respect to this Bill.

The Minister of National Security dealt with it quite succinctly and he clearly showed that whatever authority one had, ultimately a decision had to be made and the authorities referred to by the Opposition could not have made those decisions under the Bill. The Bill shows that decisions had to be made on important matters, not only legal, but a mixture of legal and policy considerations. For example whether a prosecution is a political prosecution in another country, it is not a matter for a junior officer to make, it is one for the executive arm. It also reflects unfortunately, that we have allowed personalities to colour our judgment in this debate and it is unfortunate that with such an important office—and I am not talking about the individuals who hold the office—as the Attorney General under our Constitution, that Members on the other side were prepared to show a complete lack of ignorance, if I may say so, of the role and function of the office.

5.10 p.m.

Mr. Speaker, under section 76 of the Constitution of Trinidad and Tobago, the Attorney General is responsible for legal issues. In claims on behalf of the state—as in this case when requests were made—the state would be taking proceedings and the Attorney General, under the Constitution, is the only person who can take those proceedings on behalf of the state. Under section 19 of the State Liability and Proceedings Act it clearly says that that is the position in law.

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One really wonders whether it is a genuine objection to this Bill by the Opposition. Is this the reason the Opposition is objecting to the Bill? We had contributions from two lawyers, and, with the greatest of respect to them I would have expected the hon. Member for Laventille East/Morvant and the hon. Member for La Brea to know what are the functions and role of an attorney general, because under this Bill, it is a matter of exercising a dual responsibility.

Mr. Bereaux: Could the hon. Member give way? Mr. Speaker, through you, I have indicated that I understood what the Attorney General's role would be, I was just giving perceptions.

Hon. R. L. Maharaj: Mr. Speaker, I think Members of the Opposition are the last set of persons in this country who should talk about those things. As a matter of fact, the records would show that Mr. Dole Chadee occupied 110 acres of state lands during their regime and nothing was done about it. They are talking about perception, Mr. Speaker.

Members of the Opposition have to understand that we are dealing with law and with serious issues in this Parliament. This Bill deals with the protection of people against drugs. If it is that they want to object to the Bill they must show that there are good grounds for the objection. If they do not show good grounds, Mr. Speaker, the only conclusion that one can come to is that they support what is attempted to be prohibited in the Bill. *[Interruption]*

Mr. Speaker: Order, order!

Mr. Assam: But the Attorney General did not hang anybody unconstitutionally. Your Attorney General and your Minister of National Security hanged people unconstitutionally.

Hon. R. L. Maharaj: Mr. Speaker, I know they have cocoa in the sun and they are afraid.

Under Halsbury's Statute Law under the heading: Dual Role of the Attorney General, it says:

"The Attorney General is an officer of the Crown with two separate constitutional roles, a governmental role and a role as the guardian of the public interest.

In his governmental role he acts as a member of the government, advising on the law...In his role as a guardian of the public interest he acts independently in a quasi-judicial capacity, representing the community at large."

If, for some reason or the other an attorney general acts, not in accordance with law or violates his duty, it is open for the Opposition to bring a motion and put him under scrutiny. Mr. Speaker, it is no reason to object to a serious bill which has effects upon the lives of young children, the future generation of Trinidad and Tobago by coming up with the spurious matters which they have been talking about for so many years.

I would like to put on record, because it would have to be read about in history that the Opposition in this country—I am reading from the book, *The Attorney General and Public Interest*, Chap. 6, Pg. 138, and it says:

“It is not for one moment asserted that the Attorney is the sole guardian of the public interest. All who are concerned with the administration of justice have a role to play as guardians of the public interest. So indeed do many others. But the Attorney has a particular role and a particular responsibility.”

Mr. Speaker, this is not what the Opposition wants, and they are no longer in government. This Government has taken a policy decision which is contained in the Bill. If Members of the Opposition have to object to it, they must tell the national community why they object to it. They objected to it in the Senate and the Independent Senators voted in favour of it. They have now come here but we have taken steps to ensure that they are not going to obstruct us in the passage of this measure.

The next issue raised in this matter is when they spoke about mutual legal assistance being the same as extradition. Mr. Speaker, that clearly demonstrates ignorance of what this Bill is about. How could the hon. Member for Laventille East/Morvant read this Bill—which clearly shows that it has nothing to do with extraditing anybody who has committed any offence in another country or sending back anybody to any country—and seriously say that it has anything to do with extradition in some form or the other? What this Bill does is it gives power to Trinidad and Tobago to get information and to supply it to other countries based on other procedures that are followed. I think the Opposition is burying its head in the sand.

This Bill deals with some of the problems with which the Caribbean is faced. In relation to the kind of impact that organized crime has made in the Caribbean, may I refer to a recent article in the Washington Post, dated October 7, 1997. It says:

“Russian organized crime groups flushed with billions of dollars looted from the former Soviet Union and profits from drug trafficking and other

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criminal activities are using unregulated and secretive Caribbean banks to launder their illicit gains, according to US and Caribbean law enforcement officials.

These authorities said that members of the Russian crime organizations, including individuals once worked for the KGB. The Soviet Secret Police has met in islands with the Colombians and Italian organized crime figures...they are in collaboration with the Italian Mafia and Colombian Cartels and estimated that about US \$50 billion laundered in the Caribbean.”

That was a statement made by Mr. Clinton’s drug Tzar. It continues:

“It is passing strange that large Russian banks would decide to create off-shoots...”

It named a particular country in the Caribbean. It stated that:

“Officials say off-shore banks offer a perfect way to launder, making millions of dollars in illegal gains and moving the money through the banking system.”

Mr. Speaker, we are dealing with a real problem in which we need co-operation, not only between Trinidad and Tobago and the United States or England, but among the Caribbean countries, and that is what this Bill would facilitate.

The other issue raised was that there was a company called Caribbean Research Institute for which this Bill was passed. The allegation was made that this company was involved in the prosecution and investigations of offences. Mr. Speaker, for the record, that is totally untrue and there is no basis for that. The task force which has been set up to deal with drug trafficking and money laundering consists of legal officers and police officers and they are all public officers in the employ of Trinidad and Tobago.

5.20 p.m.

In respect of providing additional facilities and support services, one would have other people employed—whether on contract or otherwise—but in relation to the investigation and the prosecution, they will all be police officers employed with the state of Trinidad and Tobago. Mr. Speaker, the issue of procedures was raised. The point was raised that if the legislation provided for courts to make orders, the legislation would be protected as being constitutional. That statement was challenged by the hon. Member for Laventille East/Morvant. I think he has a complete misconception of this matter.

There is a distinction between a piece of law being unconstitutional and whether power exercised under that law could also be unconstitutional. If the Opposition believes that this law is unconstitutional, they can go to the courts, and if the courts rule that it is constitutional, that does not mean that if a police officer under the constitutional law exercises his powers unconstitutionally, a person cannot get redress for that. That happens all the time. But the point we are making about this measure is that we are of the view that this piece of legislation does not require a specified majority in the light of the amendments we have made.

Mr. Speaker, the other issue raised was sovereignty. The impression was given by the last speaker, the hon. Member for La Brea, that this administration placed no reliance on the concept and principle of sovereignty of a nation. That is totally untrue. As a matter of fact, what this administration has said is that it is not going to allow the traditional notions of sovereignty to undermine the sovereignty of Trinidad and Tobago. We are not going to allow the druglords to take over the sovereignty of Trinidad and Tobago. Therefore, when the Shiprider Agreement was signed, we believed that Trinidad and Tobago could not fight the drug cartels alone—it needs assistance; whether it is interdiction on the sea or in the air.

A big country like the United States cannot fight it alone—they need the co-operation of other countries. Trinidad and Tobago does not have the resources to patrol its coast on a 24-hour basis. It needs radar and assistance from other countries and, therefore, the Shiprider Agreement would have given American resources to Trinidad and Tobago in order to assist us in preventing drugs coming into Trinidad and Tobago. We did not see that as adversely affecting the sovereignty of Trinidad and Tobago. This administration took the lead in the Caribbean, because Barbados and Jamaica followed us. The agreements they have signed are, in effect, the same agreements we have signed. Trinidad and Tobago has taken the lead in the Caribbean in the fight against drugs, and it has been demonstrated by the Government of Trinidad and Tobago taking that lead and other Caribbean countries following us.

When the Opposition's comments are looked at and analyzed, one has to ask oneself the question, on an important measure like this, why is the Opposition not supporting the Bill. I would ask the public to draw that conclusion, but I say that we on this side of the House—the Government—decided that this was such an important measure we would like to ensure that we have put in place the mechanisms to promote the co-operation among states so that international crime can be attacked. We were prepared to amend this measure for it to be passed so that the necessary structures could have been put in place.

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Mr. Speaker, I beg to move.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clause 1 ordered to stand part of the Bill.

Clause 2

Mr. Maharaj: Mr. Chairman, I beg to move that clause 2 be amended as contained in the circulated draft. It is purely to tidy up the meaning of "scheme". One would see that it is purely to tidy up the definition, so I ask that it be amended accordingly.

"In subclause (1), delete the definition of 'Scheme' and insert the following definition:

'Scheme' means the Scheme for Mutual Assistance in Criminal Matters within the Commonwealth as agreed by Law Ministers at their 1986 Meeting in Harare and endorsed by the Commonwealth Heads of Government at their 1987 Meeting in Vancouver and any amendment thereof."

Question put and agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Clauses 3 and 4 ordered to stand part of the Bill.

5.30 p.m.

Clause 5

Question proposed, That clause 5 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to amend clause 5 as follows:

Delete the words "criminal proceedings" and substitute the words "criminal matters".

I am proposing that it be amended in the draft. What it does is that we are deleting the words "criminal proceedings" and substituting the words "criminal matters".

Because you will notice that the expression has to be criminal matters between Trinidad and Tobago and not criminal proceedings because criminal matters include criminal proceedings.

Question put and agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Clauses 6 to 12 ordered to stand part of the Bill.

Clause 13

Question proposed, That clause 13 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to amend clause 13 as follows:

In subclause (2), delete the words ", but consent once given shall not be capable of being withdrawn".

So after the word 'transfer', there would be a full stop, and the rest of that sentence will be deleted.

Question put and agreed to.

Clause 13, as amended, ordered to stand part of the Bill.

Clause 14 ordered to stand part of the Bill.

Clause 15

Question proposed, That clause 15 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to amend clause 15 as follows:

A. In subclause (1)(a), delete the words 'or record of the criminal proceedings'.

B. In subclause (1)(b), delete the words 'or record of the criminal proceedings', and 'or criminal proceedings'.

The words "or record of the criminal proceedings" got in there by mistake, but we really have to delete them.

Question put and agreed to.

Clause 15, as amended, ordered to stand part of the Bill.

Clauses 16 and 17 ordered to stand part of the Bill.

Clause 18

Question proposed, That clause 18 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, clause 18 contains the same words, but the way it is set out gives a different meaning, so we are asking for the clause to be amended as follows:

"Where—

- (a) a person has been charged with or convicted of a serious offence or is suspected on reasonable grounds of having committed such an offence in Trinidad and Tobago; and
- (b) property derived or obtained, directly or indirectly, by that person from the commission of such an offence is suspected on reasonable grounds to be located in a Commonwealth country,

a request may be transmitted requesting that assistance be given by that country in identifying, locating or assessing the value or amount of such property."

Question put and agreed to.

Clause 18, as amended, ordered to stand part of the Bill.

Clauses 19 to 29 ordered to stand part of the Bill.

Clause 30

Question proposed, That clause 30 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to amend clause 30 as follows:

In subclause (5)(b), delete '34(2)(a)' and substitute '35(2)(a)'.

Question put and agreed to.

Clause 30, as amended, ordered to stand part of the Bill.

Clause 31

Question proposed, That clause 31 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to amend clause 31 as follows:

In subclause (3), delete the word '29' and insert the word '30'.

Question put and agreed to.

Clause 31, as amended, ordered to stand part of the Bill.

Clauses 32 to 34 ordered to stand part of the Bill.

Clause 35

Question proposed, That clause 35 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to amend clause 35 as follows:

- A. In subclause 4(b), delete the word '30(1)(a)'.
- B. In subclause 4(c), delete the word '30' and substitute the word '34'.

Question put and agreed to.

Clause 35, as amended, ordered to stand part of the Bill.

Clause 36 ordered to stand part of the Bill.

Clause 37

Question proposed, That clause 37 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to amend clause 37 as follows:

Delete the word '11' and substitute the word '10'.

Question put and agreed to.

Clause 37, as amended, ordered to stand part of the Bill.

Clause 38

Question proposed, That clause 38 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to amend clause 38 as follows:

In subclause (1)(a), delete the word '11' and substitute the word '10'.

Question put and agreed to.

Clause 38, as amended, ordered to stand part of the Bill.

Clause 39

Question proposed, That clause 39 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to amend clause 39 as follows:

In subclause (2)(b), delete the word '29' and substitute the word '30'.

Question put and agreed to.

Clause 39, as amended, ordered to stand part of the Bill.

Clauses 40 and 41 ordered to stand part of the Bill.

First Schedule

Question proposed, That the First Schedule stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to amend the First Schedule as follows:

- A. In paragraph 8(d), delete the words '30(1)(a)(ii)(A) or (B)' and substitute the words '31(1)(a)(ii)(A) or (B)'.
- B. In paragraph 9, delete the word '30' and substitute the word '31'.

Question put and agreed to.

First Schedule, as amended, ordered to stand part of the Bill.

5.40 p.m.

Second Schedule ordered to stand part of the Bill.

Preamble

Question proposed, That the Preamble stands part of the Bill.

Mr. Maharaj: Mr. Speaker, I propose that the Preamble be deleted.

Question put and agreed to.

Preamble deleted.

House resumed.

Bill reported, with amendments.

Question put, That the Bill be now read the third time.

The House divided: Ayes 18 Noes 8

AYES

Maharaj, Hon. R. L.

Persad-Bissessar, Hon. K.

Humphrey, Hon. J.

Sudama, Hon. T.

Nicholson, Hon. P.

Rafeeq, Dr. The Hon. H.

Khan, Dr. F.

Assam, Hon. M.

Job, Dr. The Hon. M.

Singh, Hon. D.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Mohammed, Dr. The Hon. R.

Singh, Hon. G.

Ramsaran, Hon. M.

Sharma, C.

Lasse, Dr. The Hon. V.

Ali, R.

NOES

Valley, K.

Rowley, Dr. K.

Draper, G.

James, Mrs. E.

Bereaux, H.

Joseph, M.

Sinanan, B.

Hinds, F.

Question agreed to.

Bill accordingly read the third time and passed.

Mr. Valley: We have no confidence in the Attorney General at all.

Mr. Speaker: I thought you were suggesting that I take my seat.

LIVESTOCK AND LIVESTOCK PRODUCTS BOARD BILL

Order for second reading read.

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Reeza Mohammed): Mr. Speaker, I beg to move,

That a Bill to establish the Livestock and Livestock Board be now read a second time.

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[DR. THE HON. R. MOHAMMED]

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As I present this Bill to this honourable House, I wish to point out that the Bill seeks to resolve the many deficiencies which have impacted negatively on livestock production, marketing, research and development, thereby hindering the development and financial viability of the livestock subsector. The stagnated state of development of this subsector is reflected in the relatively small contribution to the agricultural sector's gross domestic product.

As a matter of fact, the livestock subsector was described in another place as a subsector that is at a very primitive stage. This stagnated, primitive stage of development can be attributed to a number of factors. I will like to deal firstly with marketing. Factor one is the disorganized and inefficient marketing system for the sale of livestock and livestock products which prevents livestock farmers from maximizing returns on the investment and also fails to address spiralling cost.

Factor number two is the inability to negotiate prices which results in animals being purchased by butchers or middlemen at prices which are way below the actual dollar value of these animals.

Factor three is poor marketing conditions under which animals are slaughtered and sold in Trinidad and Tobago. Animals are usually slaughtered and sold on weekends and largely restricted to roadside stalls which affect not only the quantum but the quality of meat which can be effectively disposed of by farmers at any given time.

Factor four relates to the lack of adequate, timely and reliable information on production and general activities within the livestock subsector. This lack of information in a timely manner is extremely important in the formulation of appropriate policies for this sector.

Factor five deals with the poultry industry where there is a failure of broiler contractors to adhere to their contractual obligations. This can be attributed to the absence of a body to represent and safeguard the interests of the poultry farmers in the poultry subsector.

The lack of an independent body in the dairy subsector to represent the stakeholders in the industry is factor number six. This is particularly important in light of the extension of the net subsidy programme.

Factor seven is the fact that livestock and livestock products are a significant component of the food import Bill.

5.50 p.m.

In the area of research and development, the lack of proper organization within the livestock subsector has resulted in the failure of the subsector to attract adequate investment which, in turn, has stymied all developmental efforts. This has resulted in chronic infrastructural deficiency within the subsector. This has also hampered programmes necessary for the development and acquisition of quality breeding stock and technology for improving the efficiency of the subsector and, by extension, enhancing the income of livestock farmers.

It is perhaps because of this state of affairs that the Ministry of Agriculture, Land and Marine Resources has seen it fit, and is seeking to establish a Livestock and Livestock Products Board. Such boards have been successful in many areas of the developing and developed world in dealing with similar problems. In the United Kingdom, for example, the introduction of the Meat and Milk Marketing Board has successfully introduced a range of technical and other services to enhance livestock farmers' returns from the industry. Another example, Mr. Speaker, in Canada, the Ontario Pork Producers Marketing Board has provided a framework for hog producers to organize and control their own affairs.

Locally, the Cocoa and Coffee Industry Board and the production associations of the citrus and coconut industries have successfully promoted the development of those subsectors to the benefit of the stakeholders in the private sector. So that the establishment of such a board in the livestock subsector, Mr. Speaker, will be based on these models—the local models in particular—but will be adapted to suit the needs peculiar to this livestock subsector.

In order for these things to happen, legislative measures must be put in place. The Bill before this honourable House therefore seeks to establish such a board. If I may refer to the Bill before us today, in particular clause 4, which defines the membership of the board. It says:

“Every section of the livestock subsector will be represented on this board.”

By virtue of the contents of clause 4, Mr. Speaker, this will ensure that all the stakeholders in the livestock industry will be represented. As far as the composition of this Board is concerned, and as a function of the comments made in another place, we have made certain amendments to this clause which is before you, to ensure greater participation and involvement of the private sector.

Mr. Speaker, the intention here is for the respective organizations and the respective subsectors to nominate a representative to be on the board so that, in

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the dairy subsector, for example, the dairy association and the dairy co-operative will nominate a member to represent those institutions on the Livestock and Livestock Products Board. Likewise the poultry subsector, pork subsector and the small ruminants subsector. So the relevant subsectors will select their nominees to be on this board.

In cases where there are more than one association or co-operative per subsector, that subsector shall be required to consult with the Minister in order to identify a subsector representative for a position on that board.

Mr. Speaker, clause 6 of the Bill deals with the functions of the Board. Subclause 6(a) speaks to the administration of support programmes for the livestock subsector and pertains particularly to the dairy subsector. If I may use an example, the milk subsidy programme was formerly administered by the major milk producers in this country but it is only the farmers who supply milk to that institution. Those were the only farmers who were beneficiaries to this service. In fairness to all of the stakeholders in the dairy subsector, therefore, we feel, as a Government, that all of the producers of milk should be beneficiaries of a milk subsidy.

One of the functions of the Livestock and Livestock Products Board would be to administer that subsidy so that it would be extended to all dairy cattle farmers who supply milk to all processors and processing establishments inclusive of Willie's Ice-cream Limited and Ramsaran's Dairy Products. It is important that we have some equity in the distribution of the subsidy. One of the functions of the board will be to ensure that all the stakeholders in the dairy farming subsector are recipients of the milk subsidy. Inclusive of the present institutions which purchase milk from over 600 dairy farmers, all those small dairy farmers of which there are over 2,500, who are not able to supply to the major institutions producing milk, will now be able to benefit from the subsidy provided by Government for those milk producers.

The Livestock and Livestock Products Board will, therefore, be complementary in administering the subsidy programme for milk. The board will also assist in administering the incentives package of the Ministry of Agriculture, Land and Marine Resources relevant to the livestock subsector. It will perform the role of ensuring that the necessary checks and balances are adhered to in the administration of the incentives coming from the package of the Ministry to the benefit of the livestock subsector.

The promotion and guidance on the establishment of co-operatives: One may argue that we have a Ministry of Labour and Co-operatives. This may well be so

but I have made it clear from the outset that presently there is no specific institution to look after the interest of the livestock subsector in this country. With regard to the promotion and guidance of the establishment of co-operatives, in an effort to develop these co-operatives, the Livestock and Livestock Products Board being constituted by stakeholders emanating from the private sector in the various subsectors, will be able to assist the Ministry of Labour and Co-operatives in the formation of co-operatives.

We as a Government have always given the opportunity to the stakeholders, irrespective of what subsector from which they come. We have given them the opportunity to identify their needs to us. My understanding is that if we as a Government become aware of the needs of the various subsectors within the framework of the agricultural sector, we will be able to formulate the policies which will provide that enabling environment to satisfy the needs that were identified by the respective stakeholders. The Livestock and Livestock Products Board will provide the modality for creating the enabling environment for the private sector. Moreso to enable the livestock subsector to become a lot more productive.

Clause 6(c) of the Bill deals with the collection, storage, and dissemination of data and information in the livestock subsector. The intended role of the board is to complement that capability of the Ministry of Agriculture, Land and Marine Resources. As I said earlier, there is no one particular institution charged with the responsibility of looking after the livestock subsector. The board will be charged with the responsibility of acquiring the information of the stakeholders in the subsector, again, coming from the private sector. The information or database that is going to be developed or will be required to be developed, in an effort to allow Government to make the relevant and appropriate policies will be coming directly from the stakeholders themselves through the aegis of the board.

With respect to the monitoring of problems affecting the production and marketing as per clause 6(d), the Animal Production and Health Unit in the Ministry of Agriculture, Land and Marine Resources is not charged with the responsibility of actual production. The animal health component of that division deals mainly with the regulation and control of zoo sanitary diseases. A Livestock and Livestock Products Board will not be charged with the responsibility of regulating zoo sanitary diseases.

6.00 p.m.

There must be regulations as far as diseases are concerned and the animal health component of the animal production and health division of the ministry

would perform that function. However, the Livestock and Livestock Products Board, being representatives of the stakeholders in the sector, would now be able to advise and inform the animal production and health division of the ministry as to what is happening at the farm level, so that they would be able to take whatever action that may become necessary. Again, the role of the board will be complementary. The point I am making, therefore, is that the board is not designed to replace any institutions of the Ministry of Agriculture, Land and Marine Resources.

Concerning the provision of a forum for communication among farmers, as per item (e) of clause 6, again there is no particular institution that represents the livestock subsector in this context. One may argue that there is the extension division of the Ministry of Agriculture, Land and Marine Resources, but while we may have extension officers, we must understand that of the several we have within the framework of the ministry, less than one per cent are trained as livestock extensionists. The majority of the extension officers are trained in arable agriculture, as opposed to livestock agriculture. This board, therefore, will be supplementary again, to the deficiencies which presently prevail within the framework of the ministry.

Looking at the maintenance of a register of livestock producers and processors in clause 6(f), the role of the Livestock and Livestock Products Board will complement the Farmers' Registration Programme of the planning division of the ministry and, therefore, provide a fillip for its livestock database. Again, it will be there to perform a complementary function, advising and influencing policymakers in the best interest of the livestock industry. One must always be informed by the stakeholders of the subsector as to their needs, so that as a government, we may be able to act in an effort to satisfy those needs. Concerning the identification of research, development and training needs, the stakeholders in the subsector know their needs and can identify what kind of research needs to be done to satisfy or, perhaps, find solutions to these problems.

The research division of the ministry has the capability to conduct the research, as identified by the stakeholders of the subsector. The Livestock and Livestock Products Board would be charged with the responsibility of communicating the research needs of the subsector to the research division of the ministry, the latter having the responsibility to provide solutions to the subsector through its research efforts.

With respect to clause 6(i) of the Bill, we have serious problems with regard to the marketing of livestock. The board will be charged with the responsibility of

establishing auction yards. This is intended to impact, as well, on the spate of praedial larceny, as far as cattle, sheep and goats are concerned. The board will be required to develop an identification system so that the person bringing an animal or animals to the auction yard would be required to indicate the origin of the animals which are brought for auction at these yards.

The perpetrators of praedial larceny, mainly in the ruminant subsector—again dealing with cattle, sheep and goats—would be required to say from where the animals are coming. It is hoped that this is one of the ways to be able to better control, through a numbering system and an identification system, the spate of praedial larceny in the case of the ruminant subsector and, of course, the setting of quality standards for the sale of livestock and livestock products. If we need to sell our products in foreign markets, we have to set and maintain certain standards. The Livestock and Livestock Products Board would be required to perform such a function.

In order to ensure that the board is not restricted in its functions, clause 7 of the Bill gives it general powers to do all that is necessary in assisting the livestock subsector. With respect to the matters that are incidental thereto, one of the functions of the board would be to deal with the indiscriminate dumping of poultry and other offal on the highways, byways, as well as the canefields of Caroni (1975) Limited.

There is an institution within the framework of the Ministry of Health, as well as the Ministry of Local Government, charged with the responsibility under legislation to look after these matters. However, it is intended that the Livestock and Livestock Products Board will be the institution which will be able to assist the divisions within those ministries in policing and controlling the wanton dumping of poultry and poultry offal, in particular.

The Sugar Cane Feed Centre has already piloted and is in the process of developing a system which will be producing bio-gas from offal and excretory material. It is the intention, through this Livestock and Livestock Products Board, comprising members of the respective institutions, associations and so forth, to put in place systems which would generate bio-gas and at the same time take care of excess waste. This would be one of the major functions of this board.

Finally, I would like to speak of the financing of this board. It is estimated—and we have already taken the necessary measures on the recurrent expenditure component of the ministry for 1998, to ask for a provision of \$1 million so that this board can be financed through that fund. If one were to compare the cost of other

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such institutions—and we look at the Agricultural Society which presently costs the Government over \$250,000 per year; NAMDEVCO, over \$8 million per year; the Cocoa and Coffee Industry Board, over \$1 million per year; the Zoological Society, over \$2 million per year—if one looks at the benefits to be derived by putting in place such a board in the short, medium and long term, and the kind of revenue that is expected to be generated out of the sector, it is anticipated that an expenditure of \$1 million per year, even though it will be coming from state funds, is going to benefit the private sector and the stakeholders in the subsector in proportions geometric to the expenditure of \$1 million per annum. This is simply putting in place the enabling environment to allow the sector to move forward, to prosper, to increase in our production and moreso to increase the efficiency of our production.

I feel that there is great need for such a board if only to put in place an institution which would supplement and complement those institutions presently existing in the framework of the Ministry of Agriculture, Land and Marine Resources, and those institutions as well, affiliated with the ministry. One such example is NAMDEVCO whose role traditionally has been in the marketing of arable agricultural commodities. The Livestock and Livestock Products Board is intended to complement the activities of NAMDEVCO. But its focus will be on livestock and livestock products rather than arable commodities.

Under clauses 8 and 9, the board will be required to account to the Minister with responsibility for agriculture on its stewardship annually. This will be necessary, since the state will be providing minimum subventions, as mentioned earlier, to this board, until its revenue base allows it to become self-sufficient.

This Bill before this honourable House will enable the livestock industry to reach its full potential. The need to develop this industry is even more critical now with the new global liberalized trade regime which may put an already fragile livestock subsector in a further disadvantaged position.

With these few remarks, I beg to move.

Question proposed.

6.10 p.m.

Dr. Keith Rowley (*Diego Martin West*): Mr. Speaker, I want to take the opportunity today November 06, 1997 two years and one day after the last general elections, and approximately the term of the current Minister, to congratulate the hon. Minister for bringing his first wholly own initiative to this honourable House.

To date, of all the things that have come to the honourable House in the agricultural portfolio, this is the first one for which the Minister can claim total paternity.

Mr. Speaker, as you know, I really have some problems when I hear him taking credit for the growth in the agricultural sector. I go around looking for all the coconut trees that were planted last year which are bearing now, and all the calves that were born last year which are having calves this year and so forth. This is, in fact, the first initiative that the Minister has brought to this honourable House and which comes from his own thinking. I support anything that can contribute to the agricultural sector. We have said over and over, whether we are in Government or in Opposition—until it sounds now very much like a cliché—that we really should support agriculture. There is a place for agriculture in this country.

There is one difficulty I have with this Bill, and I hope that the Minister can, in his winding up, assist in clarifying it for me. I ask the Minister through you, Mr. Speaker, from where did this board come? How did he arrive at it as a solution to contribute in the way that he has described? The reason I have that kind of difficulty which you may not have, is that I have had some involvement in the sector. If I may take you back to 1992, after the change of Government in 1991, we were focusing a lot on Caroni (1975) Limited, because Caroni (1975) Limited happens to be the largest single aspect of agricultural development in the country and it had serious problems.

While we were doing that, some private citizens took it upon themselves to assess the agricultural sector. Those citizens were prominent economists and agriculturists: Prof. Spence who is still in the Parliament; Frank Rampersad, Lloyd Best, Denis Pantin—economists; Frank Barsotti public servant/economist and George Bovell who was a stalwart in the agricultural sector. They took it upon themselves to highlight the agricultural problems in the country, to bring that sector centre stage and to call upon the Government in 1992/1993 to put the whole agricultural sector on the front burner to see how they could have addressed the problems. Out of that came a public approach.

Mr. Speaker, the first thing we did was to have a Green Paper drafted with the involvement of that kind of public thinking. The Green Paper was done largely by public servants and those whom we had consulted. That Green Paper, by way of the Parliament, was put out for public comment. So all of these people who have these kinds of ideas, like the one we have in front of us today, during that period of

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public comment we thought they would have come forward and contributed. There was quite a good response.

In seeking to move from the Green Paper to the White Paper by way of the Parliament there was widespread consultation with every single significant area in the agricultural sector during 1993 culminating with a major consultation at the San Fernando Technical Institute. That was done with a view to hammering a wide White Paper which was eventually laid in this Parliament which sought to encapsulate a direction for agriculture in Trinidad and Tobago. At the time, I knew the Minister as an itinerant person in the field looking to address certain issues. I cannot recall that he made any contributions by way of public comment. The bottom line is that at the end of the day, a Food and Agricultural Policy for Trinidad and Tobago was developed in Trinidad and Tobago as a result of the collective effort of people like myself and the Member for Point Fortin—people out there in the private sector who were actually farming, economists at the university, technicians in the ministry, IDB officials and so forth. It was a real document of consensus; it was not just words. I insisted at the time that the document must have direction.

Mr. Speaker, if you get a chance to, you would see that at the back of this document, after all that was said in prose, about 40 pages or so, it outlined strategies, an action plan for a period of years and a time schedule for the various things. It sought to deal with all the things that are significant to the agricultural sector; strategies, action plan 1995—1997, time schedules for the various ones; some to be done in 1995—1997 and so forth.

Mr. Speaker, no where in this exercise, not in the public consultation, not in the submission to the ministry, not in the submissions from the technicians, not in the submissions from the farming sector did anybody put forward, except one individual who I happen to know and who is now functioning with the Minister, this question of a livestock board. It was never part of the Food and Agricultural policy of Trinidad and Tobago, 1995—1997. The Minister is aware of what I am saying. He was around when it was being developed. In fact, the Minister is on record as saying that his Government supports the documents. He accepted it as Government's policy. I simply ask him: Where, in this document, are we to position this livestock board? I hope that he can help me with that when he is winding up.

When I look at the draft Bill, it speaks of some noble objectives, but when I look at the structure, I am trying to find out how this thing is going to work and

how it is going to address the problem that the Minister says it is going to address. The Bill has 11 clauses. Mr. Speaker, just to point out to you and to try to get you to understand my concern, I crave your indulgence to go through clause by clause.

Clause 1, the name of the Bill.

Clause 2, some description.

Clause 3 talks about the board.

Clause 4 talks about how it is made up and so forth.

Clause 5 talks about how often the board should meet.

Clause 5 (2) talks about who should chair a special meeting.

Clause 6 talks about how the chairman should preside and so forth. All it talks about is the board and the chairman. There are nine subclauses in clause 5.

I will go to clause 7. The board shall have power to do so and so.

Clause 8, the financial year of the board.

Clause 9, the board shall keep proper accounts.

Clause 10, the Minister shall make recommendations.

Mr. Speaker, that is, in effect, the board. The only place where any real action takes place in this legislation is in clause 6, and I will come back to that.

In the White Paper which the Minister has adopted as Government's policy, one would see that it talks about major institutions, organizations and facilities in the agricultural sector.

Under research and development, one would see clearly that the Government is being involved in five international agencies that deal with research and development. One will see Government being involved in three regional agencies. With respect to direct state funding on the local scene, one would see eight—all of these have government's involvement with respect to research and development.

6.20 p.m.

If the Minister were familiar with the ministry he would have found a document prepared to deal specifically with this. One of the functions of this board which is being created under the statute is to carry out research. Clause 6(h) states:

“to identify research and development and training needs and provide development opportunities for the livestock industry;”

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The Government's hands are full of all kinds of research. To date, after dispassionate, objective analysis raised in Parliament over and over, the Government's efforts in agricultural research are too widespread and should be focussed. As a result of that, by 1995, the government had reached the point where it had assessed the situation.

In the ministry there are specific recommendations to rationalize public sector spending in research and development in agriculture. I do not know if the Minister is aware of that. I advise him to ask the public servants in that ministry to apprise him of that development. If he were so apprised, he might have had difficulty in coming to Parliament with a Bill specifically to create another research arm to spend a portion of a million dollars, when at the same time, the state had already come to the conclusion that the government already had too many fingers in too many research pies in the area of agriculture. What are we doing? I asked him from where did this board come. From where did this clause come? It certainly did not come from the White Paper or the ministry, because he would have known the ministry was concerned and had already taken steps to consider rationalization of research and development.

What are the other functions? It is to administer, on behalf of the Government of Trinidad and Tobago, any programme supportive of the livestock industry. What are those programmes? We are passing a law to administer any programme. We know about the subsidy programme. If the Minister is saying to the country that the livestock board would henceforth administer the subsidy programme, then he must say that clearly, so we would know with what we are dealing.

The subsidy in the livestock sector is not small. The milk subsidy is approximately \$10 million. Should there be another board and put \$1 million in the budget, because there is one for cocoa and coffee and one for National Agricultural Marketing Development Corporation? That board would now administer about \$12 million of the milk subsidy. If that is this Government's policy, I am not arguing with that. I am saying that the Government must say so clearly.

I would put the Government on notice because I just heard the Minister say something else. I wonder if the Minister understands the constraints of the ministry. He attacked the policy which survived from a PNM government through the NAR government, and through another PNM government and is now in this UNC Government. It is the policy of Nestlé to administer the milk subsidy. As a minister, I had to deal with that and it is not because of any discrimination, as he

implied, that the previous PNM governments and the NAR government allowed Nestlé to administer that subsidy. It was because of the threats of what he is suggesting and the negative effects which could arise, because the road to hell is paved with good intentions, as he should know.

He just said that all farmers who produce milk would now access the subsidy. Nestlé administered subsidies largely for small farmers who sold their milk to their processing plant, as against those who sold it to other commercial enterprises. The thinking was that the farmers who sold their milk to commercial enterprises other than Nestlé were doing so in a fully commercial enterprise, and therefore, were expecting to receive a full commercial price. Those small farmers who were the basket of supporters to Nestlé were paid a subsidy by government. The Minister is now saying that all milk producers would access the subsidy.

It brings me to this question. Is the Government intent on increasing the actual cash quota for the milk subsidy on an equivalent basis? When all farmers would now be paid subsidy, it would have to be increased from \$10 million to about \$20 million. I have no problem with that. If that is Government's policy, it must say so. If it would not increase so that each farmer would get the same amount he or she is getting now, those who are getting the subsidy through Nestlé would get less. It must not be left to interpretation after this Bill is passed and it is discovered later on that it is not what we thought we were doing.

I raised the question about the increase in the milk subsidy because it is part of a wider package of subsidies. There is a limit to the amount of subsidy the Government can pay. It is purely an affordability basis with respect to the agricultural arrangements which the Government has signed in the IDB loan. One of the conditions in keeping with the international obligations is that the Government would not be permitted, without penalty, to pay in cash support more than 10 per cent of the gross domestic product of agriculture. What does that mean? The country's contribution from the agricultural sector is approximately \$550 million. That is the basis on which it is determined how much cash subsidy is permissible under our international obligations. It means that cash subsidy can be paid out to the tune of about \$55 million.

When these arrangements were finalized at the conclusion of the General Agreement on Tariff and Trade and our entry into the World Trade Union Council (WTUC) at the Maracas Convention, as a country, we were at that limit and paying about \$50 million in subsidy. Therefore, there was no room to increase the cash quantum of subsidy because before this became international standard to which we

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have now put pen to paper and agreed, we were already paying that. Contrary to the “ole” talk about who was not supporting the sector, we were paying that level of 10 per cent of gross domestic product.

According to the Minister’s words, if there is an increase to only the dairy farmers, what does that mean? It means that the overall amount of subsidy would have to be increased. To give the dairy farming sector that increase to which he is alluding, somebody else would get less. Who is that somebody else? Would it be the cane farmers, rice farmers, cocoa producers or coffee producers? These are the questions I want the Minister to answer. He must not talk very glibly and then we do not know what we have done. It sounds good to say that the subsidy to all farmers would be increased. Would he violate the agreement he signed in July 1996 on the IDB loan, where he signed to keep the subsidy at the 10 per cent level of gross domestic product contribution? Tell us that tonight! If he is not going to do that, then he should tell us from where he would get the money.

Is it from the rice farmers? If rice farmers get the \$27 million they are getting now, and the cocoa farmers get the same, there would not be \$15 million or \$20 million for the dairy farmers. This is one consideration which the Minister must clarify. When the Bill says that the board would administer any programme on behalf of the Government, he is talking about the subsidy programme. I had a lot of discussions with certain livestock producers in the country. Their way of dealing with their problem is a demand for government subsidy. Farming always has difficulties. There is no place in the world where farming does not have difficulty. One particular producer insisted that the way out of his difficulty was for the government to pay him a subsidy of \$2.00 per pound for beef.

6.30 p.m.

Mr. Speaker, that is not all. This country is changing; the world is changing, and any decision to go back to paying people subsidies per kilogram or pound for what they are producing is a lack of understanding of where we have reached and with what we are dealing. If the Minister is pandering to anyone who wants a subsidy for livestock, I am telling him that he is walking a slippery slope by his own pen. He has already signed a document, drawn down the first tranche—he has two tranches to come, which we need—where will he get money to pay farmers a subsidy?

If the Government intends to pay a subsidy for livestock, he must say so, and I will be the most surprised person to hear any Government official, least of all a

Cabinet Minister, get up here tonight and say that it is Government's intention to pay a subsidy for livestock. I put that to rest for the moment.

The Minister talked about promoting co-operatives. Do we really need a law to promote co-operatives among cattle or goat farmers? With all due respect to the Member for Princes Town, I do not think so. If there are people out there who want to get involved in the co-operative arrangement for their livestock, my Friend, the Member for Nariva, has all the facilities to encourage this. I think it would be a good thing, but the state mechanisms are already there for that. We do not have to come here and pass a law to make co-operative arrangements for cattle, sheep and goats.

Mr. Speaker, subclause 6(c) states:

“to collect, store and disseminate data and information on the activities of livestock industry.”

He can say what he wants. This is specifically what the Ministry of Agriculture, Land and Marine Resources has a set of public servants to do. I know because I worked there as Minister. There are many public servants in the ministry, including a poultry surveillance unit which puts out an on-time poultry bulletin which tells you how many eggs came into the country, how many were placed in hatcheries and how many chicks were hatched. So, why are we going to pass a law to collect data? If that is not the only data we want, I simply want to ask the Minister whether he has any idea how data are collected.

A board cannot collect data. This board has to have staff: people with travelling allowances, offices; they have to pay for rent and telephone. What he is doing here is expanding an already bloated bureaucracy. When the Minister said that the board will not replace anyone in the Ministry, that only makes it worse. If he was saying that there were in the ministry certain functions being carried out and it is their intention to remove those functions from the ministry to this board, I would have had a different perspective. However, when he said that it is not the intention to replace anyone in the ministry, he is confirming that this will duplicate what is going on in the ministry. If he knew what was going on in the ministry, he would never have come to Parliament with something like this.

Subclause (d) says:

“to monitor problems affecting production and marketing with a view to making an appropriate representation...”

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There is an Agricultural Planning Unit in the Ministry whose function that is. If they are not doing their work, if he is not happy with them and would like to change their direction, structure and arrangement, then he should say so, but he should not come and try to pass a law to create a board under the guise that this will solve problems for farmers. This is absolute bureaucracy. Subclause 6(e) says:

“to provide a forum for communication among farmers in the livestock industry.”

Mr. Speaker, the reason that Government spends \$250,000 on the Agricultural Society of Trinidad and Tobago is specifically to allow for this forum. Whether one is producing ducks, cattle or rice, the Government funds this forum. There are subsectors in that society: horticulture, cattle and coconut. The Government supports it to the tune of \$250,000, which goes towards staff and other arrangements, so that farmers can have a forum. Farmers are farmers. What is this micro-management that we are heading into—talking about he wants to create a forum for livestock farmers?

Subclause 6(f) states:

“to maintain a register of livestock of producers and processors;”

Any secondary school child can do that for free. How many livestock producers and processors do we have in the country? That is what the Ministry of Agriculture, Land and Marine Resources does. Who are the extension officers servicing if they do not know who are the producers and processors?

Subclause 6(g) states:

“to advise and influence policy-makers in the best interest of the livestock industry;”

If the Agricultural Planning Division cannot do that in consultation with the Agricultural Society and other bodies which exist—there are two rice farming bodies; there is a dairy farming body; there is a Poultry Association—does he really feel that a law will do it? This farming by legislation will not work. This is absolutely without basis and that is why we cannot find it in the document of which I spoke earlier, the *Agricultural Policy of Trinidad and Tobago*.

I mentioned function (h), which has to do with research. Subclause 6(i) states:

“to establish and operate auction yards to facilitate the sale of animals;”

Items (i) and (j) are the two items in this Bill which I think have some merit, and are the only positive things in this Bill to which any hope can ever come. Then

again, I have some concerns. I ask the Minister: How will these auction yards, which are to facilitate the sale of animals, work? Will Government create an auction yard where farmers can bring their cattle and an arrangement for an auction will be there and farmers can benefit from using it? Or is it Government's intention to market cattle? They are two completely different things.

Mr. Speaker, if this were an innocent statement, I would have let it go, but when I look at what the Minister said in the other place, I have to ask how subclause 6(i), "to establish and operate auction yards to facilitate the sale of animals", would work. With your approval, Mr. Speaker, I would quote what the Minister said to indicate to you my concerns about this particular arrangement:

"I want to deal with the disorganized and inefficient market systems for the sale of livestock and livestock products to allow farmers to maximize their returns."

Secondly, he said that the present arrangement failed to address spiralling input costs. He said that one of the things he wants to address is the inability of farmers to negotiate prices, which results in animals being purchased by butchers and middlemen at farmgate prices, which are way below the actual dollar value of the animal. So one of the things with which the Minister is trying to deal in this Bill is to pass a law to deal with the inability of farmers to negotiate prices with butchers, because at the farmgate they are negotiating prices below the dollar value of the animal.

Are we to understand that Government will auction cattle and interfere in the pricing arrangement? Are we to understand that the Government will put cattle, sheep, goat and poultry under price control? I am asking the questions because they are pertinent. The Minister must tell us. If the answer is no, then he must tell us how the auction yard will work. If the answer is yes, then we are heading for disaster.

Subclause 6(j) says:

"to set quality guidelines for the sale of livestock and livestock products."

That is good. If the Government will set quality guidelines, fine, but there are guidelines. Are they passing a law to set guidelines? If they have their own auction yard, they can have standards for their own cattle, but will those standards be stretched out to meet the man who is selling a goat in Toco or a sheep in Castara? If he is doing that, it is bureaucracy gone mad. When he makes reference, in a blasé manner, to the Milk and Meat Marketing Board of the United Kingdom, it

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sounds good, but he gave us no idea how the board came into being, whose initiative it was to carry out one function and how it is analogous to our situation. When he speaks about the Ontario Pork Producers and their marketing arrangements, he is saying simply, because they have a board, we want one. There is nothing analogous between the Ontario Pork Producers Marketing Board and the Trinidad and Tobago situation. There is nothing analogous between the British Milk and Meat Marketing Board and our situation. What they do not have in England is a ministry, boated from end to end trying to cover the entire spectrum.

6.40 p.m.

Over the years, the government tried to provide farmers with all kinds of support over the entire spectrum of needs. You were in the government, so you know Mr. Speaker. Every year for a number of decades, the government expanded its support base to farmers by providing different services in the ministry, and then they produced from outside. Now the Minister is saying that he is going to provide the same kind of support services through a board for the livestock centre. That is duplication.

I thought it was a mistake when I saw his speech from the other place, but today he repeated it, he said in the poultry industry there is a failure of “boiler”—but I think he means “broiler” contractors—to adhere to their contractual obligations. Is it that this Bill is going to create a board that will force purchasers and contract farmers to adhere to a contract? Is this a contract enforcing law? He goes on to say that it can be attributed to the absence of a body to represent and safeguard farmers. Is it that this board is meant to be an independent body to safeguard the interest of the contract farmers? When this law is passed are we going to hear that the Government has intervened to regulate the contract between contract producers and purchasers? The reason I raise this is because I know that this has been a sore point in the poultry industry between the contract farmers and the processors. If the Minister’s way of solving that problem is to create a board to intervene in the arrangement, I simply want to draw his attention to the experiences of the pork industry.

There was a very strong pig industry in this country and the reason it has collapsed is that the relationship between the small farming producers and the purchasers went sour. The end result was that the processors started rearing their own pigs and did not buy from a body of small farmers who had no markets. Overnight, the industry went from one that was coming along—and a number of the Agricultural Development Bank loans that one is hearing about had to do with

the collapse of those farms. The minute those who were processing became integrated by having their own farms and breeding their own pigs, they pulled the rug from under the small farmers who were then facing gluts in the market, and the end result of that was that the pig industry contracted and has not been able to recover since.

There is now self-sufficiency in poultry, there are contract farmers supplying poultry. If the Minister's intention is to use this Bill and this board to go like a bull in a china shop and try to ramrod contracts on other people's behalf onto the processors; and the processors start to produce their own chicken, they would walk the same road that the pork processors walked. So his good intention may lead to ruin. This is not the solution and I am saying if it is not so, then he must say so. He must now repudiate what he said in the other place because he is saying that this independent body is going to solve these problems. I am seeing meddling, mischief and disaster in the poultry subsector if the Minister seeks to address that problem in this manner.

The Minister talks about the dairy people wanting to have an independent body to represent all stakeholders. One of the biggest stakeholders in the dairy industry in this country is Nestlé. Is Nestlé going to be represented by this board, or are we going to go in there, not understanding what we are dealing with and the next thing is that Nestlé will move from co-operating with the small farmers to importing milk? We are now in an open economy and, whether the Minister likes it or not, if he upsets the apple cart and Nestlé starts importing milk in this country that would be the end of the milk industry in Trinidad and Tobago.

The Minister is talking about the progress that has been made in agriculture, both last year and this year. I do not want him to start there, I would like to take him back to 1992 and 1993 when people were misinformed and did not have the faith in the sector as we had, and the general consensus was that the measures which were being taken at that time would lead to the destruction of the agricultural sector. Today, the Minister is telling the country that not only has agriculture survived, but it is growing. I say to him do not come like a "never see come see" playing with what he does not understand, trying to impose an absolutely useless piece of meddling in the sector which could have disastrous consequences in the stability of the industry *.[Desk thumping]*

Mr. Speaker, he talks about the Cocoa and Coffee Industry Board and he says the establishment of such a board in the livestock sector would be based on those models adapted to suit the needs. In other words, this board for the livestock

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sector would be based on the model of the Cocoa and Coffee Industry Board. The Cocoa and Coffee Industry Board does not provide any research to coffee and cocoa persons, it does not provide planting nor technical support. It manages the marketing of its products. It buys and stores cocoa and ships it. Is that what we are passing legislation for? It also manages the subsidy which I mentioned earlier on. Since that is the model which this Bill is aiming to recreate for the livestock centre, are we now to expect a government agency that buys and stores? Is that what we are creating?

Mr. Speaker, it is not far-fetched, because the state is already milking cows and producing beef at great loss to the country in the Caroni arrangement and all kinds of analyses have shown that is not the way to go. Is the Minister going to broaden that mistake when he says that he is basing this on the model of the Cocoa and Coffee Industry Board? He must tell us what aspect of the model, because as far as I know, that is what the Cocoa and Coffee Industry Board does. The most important thing they do for farmers is buy their produce, and pay them a price with the Government's support. Is that what the Government is holding out to farmers? If that is so, let us know because I want to find out from where the money is coming to hold out that kind of prospect to the farming community, and if that is not so, then the Minister is purely brambling the livestock community by holding out something which cannot come to pass.

6.50 p.m.

The Minister goes on to say that membership of the board is being made up of Tom, Dick and Harry—let me tell you who they are—

Mr. Assam: Say Henry. [*Laughter*]

Dr. K. Rowley: Tom, Dick and Henry.

When he conceived his vaps he had everybody on the board—14 people on a board, including the ADB which had its separate role, NAMDEVCO, which under statute is supposed to be doing the very thing that this board should be doing. There is a NAMDEVCO statute and my colleague, the Member for Tobago West, can well talk about it because she was a member of the Cabinet when NAMDEVCO was conceived to replace the CMA. The National Agricultural Marketing Development Corporation exists by statute, and that statute is far more detailed in its objective and in its identification of its role than this flimsy four-page, 11-clause matter before us.

Mr. Speaker, the Minister put all of them on a board, but of course he went to the other place and there was confirmation and he did not have the courage of his conviction to stand up with it so he threw out ADB, NAMDEVCO and so forth.

Mr. Speaker, listen to the composition of the board listed on the amendment we got. One member from the ministry responsible. So the ministry itself with all its arms: a Planning Division, a Livestock Division, a Director of Research, all these people in the ministry are not getting the job done, but one member on a board would get it done.

The next one, Mr. Speaker, is the inevitable—a member of the Tobago House of Assembly. By the time they are finished with these, there would be nobody in Tobago; they will all be in Trinidad on a board, because one by one they would be appointed to this, that and the other board, that is standard.

The next one is from the meat processors. Mr. Speaker, even that is conflict because there are different kinds of meat processors for different kinds of interests. Do you really feel the people who process and import pork in this country have the same interest as the farmer who rears the pig? But, one person will be representing them. Then there is one from this and one from that and he goes on, one from the pork sector, the dairy sector, the poultry sector. The Minister missed something, you know, it is one from the agouti sector. There are agouti farmers in this country now; why are they being discriminated against? Everybody who is growing anything is on the board, why are the agouti farmers not on the board? Discrimination, Mr. Speaker!

Then, after all of that under law, a quorum of three shall conduct the lofty ideals of this board. Mr. Speaker, if you wanted any confirmation that this is a mishmash of nothing, that should tell you.

Mr. Speaker, in seeking to create clauses, listen to clause 9, it says:

“The Board shall keep proper accounts and other records in relation to its functions and shall prepare annually, a statement of its accounts.”

My friend from St. Joseph enjoyed a distinguished career in the private sector. Listen to another clause after that:

“The report shall include a balance sheet, such other statements as the Minister may from time to time...”

If they are keeping proper records—a state agency under law keeps proper records of accounts which will be laid in Parliament, but the Minister wants a balance sheet

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separate in a different clause. This has to be child's play because if the Minister wants to see the balance sheet of the board it will come before him in the normal process under clause 9.

Mr. Speaker: The hon. Member's speaking time has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mr. F. Hinds*]

Question put and agreed to.

Dr. K. Rowley: Mr. Speaker, I thank Members for the extension.

Under clause 9, the board is mandated under law to keep those records. But is it also to get a balance sheet, under law again, in another clause? Is it that the Minister does not trust what is going to come under clause 9 so he puts in a separate clause under 9(4) which specifically says, that he may from time to time get a balance sheet with the annual report of the auditors?

I could understand that this might have gone in there as a result of his recent exclusion from the ADB, but there is no need to duplicate. This simply tells me that they had nothing to work with and this is just further confirmation of the bramble that went into trying to create an institution for which they have no real justification.

The board also has power to co-opt, but there is an interesting part which I want to read and it has to do with clause 10 which says:

“The Minister may make Regulations governing any matter to be prescribed under this Act or respecting any matter necessary or convenient to carry out effectively, the intent and purpose of this Act.”

Mr. Speaker, that looks very innocuous. Why did it not say, that the Minister may make regulations governing any matter prescribed under this Act? Had it said so, all of us here this evening would know what is being prescribed under the Act. But it says:

“...governing any matter to be prescribed.”

Is it that there are further prescriptions to come of which we do not know? Are we going to see these regulations which are going to be made by the Minister in this Parliament? He goes on to say:

“...respecting any matter necessary.”

I am trying to find out what this really means. The Minister is talking about giving the board power to do this and that, but I do not see how this power is going to apply to the people who are going to raise the livestock. If you raise some sheep in Carapichaima, will this board come down and exercise some power over the animals? If one is raising cattle in Mayaro, how is the board's power to be attached to that herd of cattle? And then the Minister is going to make regulations:

“...respecting any matter necessary or convenient to carry out the intent.”

What does that mean, Mr. Speaker? Are we in a position to get up and say, honestly: “I understand what the Minister is saying, I understand how it is going to work and therefore I will vote for it”? I am talking to Members not in an antagonistic manner, I am talking as a colleague charged with a responsibility for making good law.

7.00 p.m.

Forget what side of the House you are on for the moment. Having heard what the Minister said, and having read this Bill, can any of you really get up and say you fully understand what the Minister is trying to put across, and how it is going to work? We have heard it will cost \$1 million, but how is it going to work to the benefit of farmers?

Mr. Speaker, I just tried to highlight a few of these points to let you know that there is no basis for what the Minister is doing. When the Minister finds himself in difficulty—as he has had a reputation for to date—he uses his fancy footworks of deception. When he could not identify exactly what was going to happen with these people who would be on this board, and seeking to head off the complaints raised in the other place that this board would need staff, he said that the extension people in the ministry are not up to the job, either numerically or otherwise. In fact, what this board is seeking to do is focus on food production because the livestock officers in the ministry do not really focus on food production.

I want to ask my friend from Tobago West through you—and the reason I ask her is because she was in a previous Cabinet with the identical ministry with the identical structure, and possibly the identical members of staff and the identical job descriptions. That ministry under Lincoln Myers and Brinsley Samaroo was called the Ministry of Food Production. Today, the Minister is dodging from that responsibility of the ministry and saying that the officers there who are duty-bound to carry out agricultural extension to bring about increase in food production are not to do it, or it is not being well done by them and, therefore, he has to create, under statute, a board to duplicate it.

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Mr. Speaker, if the Parliament passes this—as it can, because the Government has the numbers to do it—all that we would have been doing by way of parliamentary approval is to seek to bloat the bureaucracy, and the current Prime Minister is on record as talking about his concerns about the existing bureaucracy, so I cannot understand how he could approve this. No only that. We will create a pork barrel to allow a certain number of persons favourable to the Minister to have access to \$1 million to so-call create new jobs. Secondly, in terms of what they will do and how they will discharge their functions as envisaged by the state, we will give them millions of dollars to hand out in a way that we may not like.

This Bill, in seeking to create this board to pass over a substantial amount of state moneys which are earmarked for small farmers and others, has all the potential for negative inputs to the economy. I dare say if we are not careful, we would be creating the seed of corruption. I do not know who the Minister promised what; I do not know who he promised a job; I do not know who he promised an increased price for whatever, but this Bill and Parliament ought not to be used to further the Minister's achievement of his promises. Those promises are outside of Government-stated policy and outside of the national effort for a number of years.

Mr. Speaker, I appeal to Members on the other side, as much as we all love the agricultural sector, as much as we would like to help in any way we can, this is not the way and this will no do it. This Bill has the potential to create a series of cancers in the agricultural sector; not the least of which is inordinate, untoward, and unwarranted meddling to create confusion, because nobody clearly understands what this is going to do, and insofar as we understand it, it is only to create problems for farmers. Therefore, I ask Members on the other side to reconsider. An attempt was put forward. It cannot stand scrutiny. I ask you to reconsider and withdraw this Bill. The Parliament is going to prorogue on Monday. Let this Bill die with the prorogation.

I thank you.

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Speaker, I thought that after that contribution there would be no need for mine. I thought that the Government would have been convinced that this Bill is not necessary and, in fact, would allow it, at least, to lapse, and if after consideration, it could have been reintroduced when the Parliament begins its new session on November 24, 1997. I think the case is well made.

[MR. DEPUTY SPEAKER *in the Chair*]

When I looked at the legislation, I had to go back to the formation of NAMDEVCO in August 1991. Mr. Deputy Speaker, Act No. 16 of 1991 incorporated the National Agricultural Marketing and Development Corporation. The functions of that corporation as set out at section 9 are:

“...to create, facilitate and maintain an environment conducive to the efficient marketing of agricultural produce and food products through the provision of marketing services and the stimulation of business investment in the agro-industrial sector of Trinidad and Tobago.”

When we look at the definition of agricultural produce and livestock, Mr. Deputy Speaker, at section 2 of the Act, it says:

“agricultural produce” means ground provisions, livestock, fish, eggs and farm produce or any foodstuffs found in the sea or cultivated above or beneath the soil.”

“live stock” means any animals that are commonly reared for the purpose of food for human consumption and includes cattle, sheep, goats, pigs or poultry.”

The legislation is already there to deal with the livestock. The Minister in his presentation made the point that NAMDEVCO is supposed to deal with agriculture. That is not so. Even if this organization is needed, I say it fits nicely in NAMDEVCO. If the argument is that to date NAMDEVCO has not carried out that function, the Minister is now in a position to restructure NAMDEVCO to ensure that it carries out that function as mandated by the legislation.

I want to make the point, because over the period 1991—1995, you would know that the Government of the day had that policy of reducing the number of state companies in the economy. We moved from some 87 companies to 47 by the time we left. When I see a government, for no reason, reversing that trend, I think we are heading for trouble. The Minister talks about a provision of \$1 million. There is no budget as to what that organization would cost. My colleague from Diego Martin West made the point, if one is setting up a board one has to talk about staff travelling, and obviously that cost would exceed \$1 million. The question is, even if the functions are important, they can fit squarely under NAMDEVCO, and I want to propose that we go that way.

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7.10 p.m.

There is another issue. As my colleague said, the Government has been in office for two years. I want to ask whether this legislation represents an efficient use of the legislative time that is available to the Minister of Agriculture, Land and Marine Resources. Over the last two years, the Minister of Agriculture, Land and Marine Resources came to the Parliament with four pieces of legislation. He had nothing in 1995, nor in 1996. In 1997, the Minister of Agriculture, Land and Marine Resources came with a Bill to amend the Sugar Industry Special Funds; that was the first one, assented to on March 11, 1997. That is what was important for the Minister of Agriculture, Land and Marine Resources, a two-clause Bill. Then there was the Sugar Industry Labour Welfare Committee (Inc'n) (Amendment and Validation) Bill—four clauses—also on March 11, 1997. This one is a little more important, a Bill to amend the Animals (Diseases and Importation) (Amdt.) Act, Chap. 67.02. Then there was the fourth, the Pounds (Amdt.) Bill, impounding animals. This is the legislative contribution of the Minister of Agriculture, Land and Marine Resources over the last two years.

Mr. Deputy Speaker, when we go back to the manifesto of the UNC and the emphasis that party placed on agriculture, even while they were in Opposition, I remember the Member for Oropouche speaking on agriculture and the emphasis they placed on agriculture in the manifesto. They accepted the White Paper as Government's policy; the budget statement of 1996, the objectives outlined by the Minister of Finance and obviously the contribution came from the Minister of Agriculture, Land and Marine Resources. The objectives were:

"(1) The distribution of 2000 acres of land from Caroni (1975) Limited and at least 7,000 acres of additional state land to private farmers in 1996."

Has that been done? I do not know.

"(2) The drawdown of \$22 million from InterAmerican Development Bank (IADB) to provide increased access to the agricultural sector."

That has been done. Has it?

"(3) Formulation of a social mitigation programme which will involve disbursement of \$60 million to farmers who have suffered from the adverse effects of structural changes in agriculture."

Then we look at the *Medium Term Policy Framework* and we see the outline of policies, two pages of policy prescriptions for agriculture from 1996—1998.

Two pages! But there is a section here which outlined what should have been accomplished in 1996. If you look at the *Medium Term Policy Framework* for 1997—1999 you will gain the same thing. So when one considers what needs to be done in that important sector, in spite of what the Minister said, when I look at the *Central Bank Quarterly Economic Bulletin* for June, and I look at agriculture year on year, it states: January to June of 1994 as against January to June 1993, a growth of 11.1 per cent; 1995 as against 1994, a decline of 3.6 per cent; 1996 as against 1995, a decline of 11.2 per cent; 1997 over 1996, growth of 1.3 per cent. When I look at that, I say we have to be making joke in that agriculture sector and, for a party that had spoken so much about agriculture, in Opposition, it has wasted limited time.

Let us face it, every ministry competes for parliamentary time for its legislation. That is known. If one has four slots for the year and if all one can find to bring are these four piddley pieces of legislation, something has to be wrong. It indicates to me, that really there is no seriousness in that ministry. Quite unlike the Ministry of Trade and Industry. I told the Minister that I was very pleased when he came here and laid in Parliament a trade policy and I will say it again. Because that is what we are about. The bottom line must be performance. We have the Minister of Trade and Industry, we have legislation already in place. In 1991 they changed the CMA to NAMDEVCO with a clear mandate for marketing in the agricultural sector. Why are we bringing this legislation, are we looking for work to do? There is sufficient work, looking at the medium term plan, looking at the budget speeches and so forth. There is sufficient for the Minister to do. He does not have to go to ADB and look for stupidity and come here, according to Keith Shepherd, playing smart with foolishness. You do not have to do that. Do the work that is required.

Mr. Deputy Speaker, the submission is clear, let us face it, to set up this organization is simply not going to cost \$1 million a year, that is a provision. It is, for example, putting a dollar in an account when you do not know exactly what it is going to cost. Because, I think if you ask the Minister, even the homework required for that, is not done as yet. He does not know how many persons would have to be employed by the port. He does not know what cost is associated with that, he is merely guessing. He said, put a million, not \$998,000, one clear million. I am saying that there is absolutely no reason for that.

I recommend to the Government that this legislation be withdrawn or allowed to lapse. Take time, consider, and if you believe that it is valid come back in November. If all of you come back with it in November, I tell you, I am going to vote for it.

I thank you, Mr. Deputy Speaker.

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Reeza Mohammed): Mr. Deputy Speaker, if I may respond to the concerns expressed by the two Members from Diego Martin on the question of the responsibility of the board to conduct research. I think that there is a little misunderstanding here in that the responsibility of the board would be to identify the research needs as per the subsectors, the livestock subsector. I do not recall having said anything about the board being required to do research. In my presentation I made it clear that there is an institution which is charged with the responsibility of doing the research, but we need to have the research needs identified by the people who are actually involved in production. So that the responsibility of the board is not to do research, in the context of actually doing research, *per se*, they do not have that capability, we do not expect them to have that capability. Are you going to stand up every five minutes?

Dr. Rowley: Would the Minister give way, just for clarification? Are you going to give way? If you would not, then I will sit.

Dr. The Hon. R. Mohammed: I gave you your opportunity to speak.

Dr. Rowley: Okay, let him go ahead.

Dr. The Hon. R. Mohammed: Mr. Deputy Speaker, one of the concerns expressed by the Member for Diego Martin West is the fact that we are constraining our subsidies, to 10 per cent of agricultural GDP. That is a fact. But, the contribution made by the sector to GDP growth and the quantum of money is expected to grow proportionately. To use an example, he was wondering where the money is going to come from, if we will increase the milk subsidy to the dairy farmers. If the agricultural GDP is \$100, 10 per cent of \$100 is \$10, but if your agricultural GDP is expected to grow, 10 per cent of \$1,000 is \$100. So that the concept is correct. *[Interruption]* Can we get on with this and let me finish? So the concept is correct in that we have a ceiling of 10 per cent of agricultural GDP, but the programmes of this Government are designed to facilitate a significant contribution to GDP by the agricultural sector.

7.20 p.m.

Dr. Rowley: How many tomatoes are you going to grow to offset the energy plant? When the energy plant comes on stream and it increases the GDP, how many tomatoes are you going to grow to offset that?

Dr. The Hon. R. Mohammed: Mr. Deputy Speaker, the hon. Member also asked whether it is the intention of this Government to sell cattle. This

Government has no intention of selling cattle. We are simply trying to put a system in place for the cattle, goat and sheep producers of this country, in the main—because this is the intention as far as setting up the auction yards is concerned—so that we provide that enabling environment.

Who would be the go-between for the actual producers and the establishment of the market? You must have an institution to facilitate that, and it is one of the functions that the board will serve.

Mr. Speaker, the Member for Diego Martin Central commented on the structure of NAMDEVCO and what it was actually set up to do. He referred to the Act governing it. He also spoke about livestock. The Act mentioned, according to him, cattle, sheep and goats but the function of this board could not be the same as NAMDEVCO. What we need is a linkage between the actual production base and the institutions already there to assist in developing and enhancing production systems. NAMDEVCO is not designed to produce. The idea of the board is to have a group of persons together who can properly and adequately represent the subsectors in the livestock sector.

The Member also spoke about the poultry subsector and referred to my comments with respect to the poultry industry. There is a failure of broiler contractors to adhere to their contractual obligations. The hon. Member being the former Minister of Agriculture was faced with the same situation. Fortunately or unfortunately, he was unable to do anything about it. We have come into office and are faced with that situation and are trying to put in place a system which would take care of the problem. That is what we are about.

He also mentioned that nowhere in his White Paper was there any concept of development of a livestock and livestock products board. I am wondering whether because of the fact that the present Government, along with the Minister of Agriculture, Land and Marine Resources has come up with the idea, as informed by the stakeholders in the subsector.

Dr. Rowley: It was not your idea!

Dr. The Hon. R. Mohammed: The various subsectors and the livestock subsector have in the past arrived at a certain level of production. We are presently faced with a liberalized economy, wherein, if we have to import more food we will have to spend more of our foreign exchange. Additionally, the quantum of livestock and livestock products imported by way of food into this country, forms a significant part of our annual food import Bill.

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We can go about our merry way by just ignoring the production base that we have and not put any enabling systems in place to allow this subsector to grow. But at the end of the day, we will have a situation wherein we will have to continue finding additional foreign exchange. Therefore, we will have to import larger quantities of livestock and livestock products at greater costs.

Concerning an increase in the subsidy for net producers, we have found a disparity in the fact that only those dairy farmers who supply milk to Nestlé are beneficiaries of the subsidies provided by Government. There are many small farmers out there. By developing a system which will allow them to at least be beneficiaries of that subsidy as well, it would result in an increase of our milk production.

I am in total disagreement with the arguments put forward by the two gentlemen and the suggestion that this should be withdrawn. If we do not find a way and if we are unable to develop systems—and we feel that this is one of the ways we can establish that link between the livestock subsector and its stagnation—to move it from where it is and put it on a different plane, by way of increasing production, in the final analysis this would generate more employment. It would also make a greater contribution to the sustainability of food production.

You would find as well, that the people who are involved in the sector, in the main, are located mainly in the rural communities. This kind of social deprivation has pervaded this country for many years, and if we can develop systems whereby we are able to enhance the purchasing power of the people out there, this is an instrument which would augur toward that kind of thing. In the medium to long-term we may very well be able to seriously have a significant impact on our levels of poverty, if not only to mention the importance of having some degree of food security in this country.

With these few words, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

7.30 p.m.

Clauses 1 to 3 ordered to stand part of the Bill.

Clause 4.

Dr. Mohammed: Mr. Chairman, we have some amendments to clause 4 as circulated.

Mr. Chairman: That was a Senate amendment.

Dr. Mohammed: This came from the Senate.

Clause 4 ordered to stand part of the Bill.

Clauses 5 and 6 ordered to stand part of the Bill.

Mr. Valley: Mr. Chairman, we have already passed clause 5. [*Inaudible*]

Mr. Chairman: I am sure hon. Members would like to revisit it, perhaps.

Clause 5 recommitted.

Question proposed, That clause 5 stand part of the Bill.

Dr. Rowley: Mr. Chairman, we heard that there may be at least \$1 million of public funds injected here. I think with a quorum of three the Government would want to look at it again.

Mr. Valley: We suggest five, Mr. Chairman.

Mr. Chairman: The suggestion is being made that in clause 5(6), instead of a quorum of three it should be a quorum of at least five.

Dr. Rowley: Especially given the structure of the board, Mr. Chairman.

Dr. Mohammed: Is he suggesting that we have five as a quorum out of seven?

Dr. Rowley: Given the nature of this board, which is made up of various subsectors of the agricultural sector, it has the potential of degenerating into a small clique of people managing the public funds.

Mr. Valley: At least it should be four. There are seven members on the board; three is less than half.

Mr. Assam: A quorum of Parliament which is the highest nominated body is five or six.

[*Crosstalk*]

Dr. Mohammed: I think we can leave it at three.

Mr. Chairman: There seems to be no agreement on this, we therefore will hold to it standing part of the Bill.

Question put and agreed to.

Clause 5 ordered to stand part of the Bill.

Clause 6 recommitted.

Question proposed, That clause 6 stand part of the Bill.

Mr. Chairman: Did somebody want to say something on clause 6?

Mr. Valley: Yes, Mr. Chairman, with regard to the functions of the board, I think the Member for Diego Martin West has indicated that there are some functions here that we should really delete: “to collect, store and disseminate data.”

Dr. Rowley: [*Inaudible*] the question is whether [*Inaudible*] is equipped, under section 6(a), to administer the programme. Is it the intention of the Minister that the board would administer the subsidies?

Dr. Mohammed: In addition to the subsidies, I spoke in my presentation about the incentives package under the ministry and the responsibility of the board to also play a role in the administration of the incentives, with respect to the livestock subsector.

Dr. Rowley: When you say ‘play a role’, is it that those functions would be removed from the ministry and placed under this board [*Inaudible*]? Or is it that you will just know about them? How is it going to work?

Dr. Mohammed: Mr. Chairman, I am advised that the livestock products board would be involved in the administration of the subsidy as well as the incentives programme which falls under the Ministry.

Dr. Rowley: The Minister is using words, Mr. Chairman, like ‘play a role’, ‘be involved in’. I wonder if he can be a little clearer or more specific as to how this role will be played or his involvement in it. That is what I am trying to get at. When he says ‘play a role’ or ‘be involved in’, therein lies the difficulty. I wonder if the Minister is sufficiently clear on how it is going to work so that he can enlighten us.

Dr. Mohammed: Mr. Chairman, you must have some mechanism for checks and balances in the system of administration. The board will function within that purview because the link between the stakeholders in the subsector from the private sector and the Ministry will be the Livestock and Livestock Products Board. If you are going to make several people accessible to a subsidy or to an incentives programme, then it is very clear that you must put a mechanism in place to ensure that the thing is done correctly. We have checks and balances.

Mrs. Persad-Bissessar: Mr. Chairman, I would like to support the hon. Minister on that point because clause 10 of the Bill deals with the regulation-making power. As the hon. Members would well appreciate, legislation that comes

does not really deal with the administrative processes but certainly the regulations would set the administrative mechanisms and those would be such as are prudent within the ambit of the legislation. So, I do not think you will find within any piece of legislation itself: the Bill/the Act, the administrative mechanism such as the hon. Member for Diego Martin West is enquiring about.

Mr. Chairman: There does not seem to be agreement on this. Therefore, we will just put it again.

Mr. Valley: Mr. Chairman, may I ask about the provision of a forum for communication for farmers in the livestock industry? Do we really want that as a condition of this legislation? How is a board going to do this?

Dr. Mohammed: Because of the fact that you will have representation on this board from each one of the subsector in the entire livestock sector, you are providing the modality to have full participation. You must remember that the board members will be representing each one of the various subsectors within the livestock subsector. It will serve as a link or a line of communication. What harm will it do if we keep that section (e) in? Communication for livestock farmers.

Mr. Valley: It just does not seem to be—

Dr. Mohammed: Communication in the context of education as well. Information education, because there must be a two way flow of information.

Mr. Valley: I am thinking about the seven members, I can see that board holding seminars and so forth. But I do not think that is the intent here.

Dr. Mohammed: Would it create any great problem by leaving in item (e) of clause 6 where communication is concerned?

Dr. Rowley: What he is saying is that, under the law, the board has to provide a forum for communication among the farmers. Therefore, if two thousand farmers come to the board for you to organize a meeting, what will you do? You are under a penalty of law to do that.

Dr. Mohammed: No, you have a representative on the board from each one of the subsectors.

Dr. Rowley: It does not say that. It says among farmers.

7.40 p.m.

Mr. Valley: You see, this clause 6 is in the objects clause of the company. If you put it here, then you are saying it must be done and you are putting an

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obligation on the board that it may not be able to carry out. They can do it, but it does not have to be here. But if you put it here, then you put an obligation on them that they may not be able to carry out: “to provide a forum for communication among farmers in the livestock industry” ; making it one of the things they have to do.

Mrs. Persad-Bissessar: No. But it comes back to the same thing. If it is that this is the policy that you have a forum for communication among the farmers—

Dr. Rowley: Is it that board with its seven members [*Inaudible*]

Mrs. Persad-Bissessar: No, it is a forum for communication among farmers in the livestock industry.

Dr. Mohammed: Mr. Chairman, in the agricultural sector and in the livestock subsector, in particular, there are certain commonalities between the subsectors and if you are, as we are indicating here in item (e) of clause 6, as a board comprising all of the stakeholders or representatives from all the different subsectors, the board will now provide the medium of communication through their meetings. So that somebody from the poultry sector on the board—if a problem, let us say, arises in the dairy subsector, but it is a common problem in the poultry subsector—

Mr. Valley: You may want them to do it, but I am saying that where you put it here in the objects clause, you are putting them under an obligation to do so.

Mrs. Persad-Bissessar: So what is wrong with that?

Mr. Valley: Then you are opening them to be fooled by farmers, that they are not carrying out their function as mandated here.

Mrs. Persad-Bissessar: Hon. Member, again, we come back to clause 10. The administration of these things would be set by clause 10, that is to say, if I am to provide a forum for communication among the farmers in the livestock industry, I do it once a year, twice a year. Administratively, I will decide. What is wrong with that? There is nothing wrong with that, having a forum for communication.

Mr. Valley: Okay, I hear what you are saying, but if that is so, in clause 10, we should say that those regulations should be subject to positive—

Mrs. Persad-Bissessar: Well, that is a different issue.

Mr. Valley: No, I think we should deal with it now.

Dr. Mohammed: Mr. Chairman, I feel we could go by maintaining that—

Mr. Valley: Well I will agree with you, as long as there is agreement to make a suitable amendment in clause 10.

Question put and agreed to.

Clause 6 ordered to stand part of the Bill.

Dr. Rowley: Mr. Chairman, I must apologize. I thought you were going down all the subclauses. I wanted to raise something on clause 6(i), if you would indulge, please.

Mr. Chairman: We will come back to it afterwards.

Clauses 7 to 9 ordered to stand part of the Bill.

Clause 10.

Question proposed That clause 10 stand part of the Bill.

Mr. Valley: I am suggesting that clause 10 be amended to make these regulations subject to parliamentary approval. In other words, “make Regulations governing any matter to be prescribed under this Act, subject to affirmative—

Mrs. Persad-Bissessar: Negative resolution.

Dr. Rowley: I am raising something in clause 6(i) in which I do not think “negative” will do. Mr. Chairman, could we raise clause 6(i) now while they deliberate on that?

Mr. Chairman: Just a minute. Is there a position on clause 10?

Question put and agreed to.

Dr. Rowley: Mr. Chairman, but they are discussing it.

Mr. Valley: Mr. Chairman, I thought they accepted a negative resolution.

Hon. Member: No, we have not.

Clause 10 ordered to stand part of the Bill.

Clause 11.

Question proposed, That clause 11 stand part of the Bill.

Mr. Breaux: Mr. Chairman, I have an amendment to clause 11. The word “never” should be put between “date” and “to”.

Question put and agreed to.

Clause 11 ordered to stand part of the Bill.

Mr. Chairman: Could we just have a quick look again at clause 6?

Dr. Rowley: Mr. Chairman, in light of the fact that the Minister said that the model that he was following for this legislation was the Cocoa and Coffee Industry Board, which has an important part of it being the licensing arrangements that exist for the marketing of those products, I wonder if the Minister could indicate whether that is what we are facing here and the auctioning, and that sort of thing. How is the auctioning going to work?

Dr. Mohammed: The objective here is not to establish another Central Marketing Agency.

Dr. Rowley: I am saying, insofar as you have said, repeatedly, that you are using the Cocoa and Coffee Industry Board as the model—you said so expressly—I wonder if there is any consideration for licensing.

Dr. Mohammed: No.

Dr. Rowley: And in terms of clause 6(j), quality control, where, also dealing with cocoa and coffee, there are specific grading arrangements with the board, is that going to apply here?

Dr. Mohammed: Well, I expect that a Livestock and Livestock Products Board can set quality guidelines. There is nothing wrong with that, and this is what I would expect them to do.

Question put and agreed to, That the Bill be reported to the House.

House resumed.

Bill reported, without amendment, read the third time and passed.

PROCEDURAL MOTION

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, may I move a motion to the effect that the House continue to sit until the determination of the matters that we resolved earlier on to do.

Agreed to.

Mr. Speaker: Hon. Members, the House will now be suspended for dinner and we will return at 8.45 p.m.

7.52 p.m.: *Sitting suspended.*

8.45 p.m.: *Sitting resumed.*

SELECT COMMITTEE REPORTS**Adoption****Standing Orders Committee**

The Minister of Trade and Industry and Minister of Consumer Affairs (Hon. Mervyn Assam): Mr. Speaker, I beg to move the following Motion standing in my name.

Be It Resolved that this House adopt the Report of the Standing Orders Committee of the House of Representatives (1996—1997 Session).

Mr. Speaker, you would recall, this honourable House appointed a committee on December 06, 1996 by your good self in order to look into the review of the Standing Orders of the House of Representatives. These Standing Orders, as you are aware, were made by the Governor under the provisions of section 8 of the Trinidad and Tobago (Constitution) Order in Council 1961, and which preceded our Independence. Trinidad and Tobago, as one knows, has been independent for 35 years, and no review of the Standing Orders has been undertaken since. The committee comprised yourself, as Chairman, Mr. Ramesh Lawrence Maharaj, Mr. Trevor Sudama, Mr. Gordon Draper, Mr. Barendra Sinanan, Mr. Fitzgerald Hinds and myself as Members.

The committee met on a number of occasions albeit with some difficulty because of the busy schedule of some of its Members. A number of Members found it difficult to attend some of the meetings so it was decided that your good self, as Chairman, Mr. Barendra Sinanan and Mr. Fitzgerald Hinds assume the responsibility of drafting some of the new proposals to review the Standing Orders and then subsequently circulate to other Members of the Committee. This was done.

The first 20 Standing Orders were reviewed, submitted and sent back to you with the comments of the various Members and I believe it is correct to say that those 20 Standing Orders were substantially agreed upon by the majority of the Members of the Committee. Subsequently, another 24 Standing Orders were reviewed by that very method and they were also circulated. To date, 44 Standing Orders of the House of Representatives have so far been reviewed and proposals have been put forward and circulated to all Members.

However, unfortunately, time did not permit the committee to complete its assignment and because of the substantial amount of work that has been done, we would not like this honourable House to lose any of the valuable work that has

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already been undertaken. Therefore, the committee proposed that, in light of the imminent prorogation of this honourable House, the 1997/1998 committee be authorized to consider as part of its record all the work that has been done by this committee to date.

Mr. Speaker, without further ado, I commend the report and the work that has been done to date to this honourable House, and ask that the recommendations that I have just read out be adopted. I beg to move.

Seconded by Mr. Fitzgerald Hinds.

Question proposed.

Mr. Fitzgerald Hinds (Laventille East/Morvant): Mr. Speaker, as a Member of the committee, I concur with the sentiments as expressed by the hon. Member.

The Minister of Trade and Industry and Minister of Consumer Affairs (Hon. Mervyn Assam): Mr. Speaker, I profusely thank the hon. Member for Laventille East/Morvant and also the Members on the opposite side for their unanimous support of this report and of the recommendations therein. I beg to move.

Question put and agreed to.

Report adopted.

House Committee

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move the following Motion in my name.

Be It Resolved that this House adopt the Report of the House Committee of the House of Representatives (1996—1997 Session).

Mr. Speaker, the House Committee was appointed on December 06, 1996. That committee was appointed by your good self, and was comprised of the Leader of Government Business as the Chairman, Dr. Reeza Mohammed, Miss Pamela Nicholson, Mr. Manohar Ramsaran, Mr. Kenneth Valley and Dr. Rupert Griffith.

The duty of the committee was to consider and advise the Speaker on all matters connected with the comfort and convenience of Members of the House of Representatives. The Clerk of the House served as Secretary to that committee. When the committee started its functions, there were several areas of concern which adversely affected the comfort and convenience of Members. They included

the conditions of the Red House and also the absence of facilities for Members of Parliament at the Red House which facilities are essential for the proper performance of the duties of Members of Parliament.

8.55 p.m.

There is need for the restoration of the Red House; for it to be dedicated to the sole use of the Parliament of Trinidad and Tobago and improved administrative and other arrangements for Members of Parliament, so that they could better represent their constituents. This includes *inter alia* better facilities at constituency offices and improved terms and conditions for staff in the constituency offices and Members of Parliament.

The other area of concern was the unsatisfactory state of affairs surrounding the printing of the *Hansard* and the problems experienced by those involved in the administration of Parliament. The Red House which is the seat of Parliament consisted of other departments of the state. Obviously, that would affect the administration of Parliament if the Members were to have maximum opportunities to perform their functions. The recommendation of the House Committee was that other departments of the state should be removed from the Red House to facilitate its use exclusively for Parliament.

You would recall the House Committee had discussions with you and several meetings with the relevant ministries. The restoration of the Red House had to be effected and the House Committee was adamant that the restoration of the Red House was important. Strong representations were made and it was hoped that the Government would effect the restoration. Paragraph 10 of the report states:

“The House Committee is of the firm view that for the proper functioning of the Parliament, the restored Red House should be dedicated to the sole use of the Parliament of the Republic of Trinidad and Tobago and that all other Departments and Government Ministries currently based at the Red House should be suitably relocated.”

On the strengthening of the committee system, it was felt that there is need for the reform of the parliamentary committee system. Under the present system the committees do not have sufficient resources both human and physical and this affects the representation of the people. It was also felt that the committee system should function with expert staffing and in a highly professional manner. The committee considered that the improvements in the system are essential for the proper functioning of Parliament, if the people of the country are to get responsible and accountable governance.

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The question of Members of Parliament being able to perform their duties efficiently was also of great concern because it is recognized that would affect the comfort and convenience of the Members of Parliament. It was felt by the House Committee that the duties could not be performed properly unless they were given the necessary tools at the constituency offices. Page 4 states:

“The House Committee believes that parliamentary representatives should be provided with necessary resources and support services to enable them to discharge their duties. It caused investigations to be made into the existing arrangements related to the functioning of constituency offices. In your Committee’s opinion, the facilities provided to Members of the House of Representatives for the performance of their duties within their constituencies are inadequate. The House Committee recognizes that today much more is expected of the parliamentarian than in the past, that the political environment continues to develop and that the electorate is more stern and demanding. It is therefore our view that Parliamentarians should be provided with all the modern aids and resources to help them perform their constitutional responsibilities competently.

Your Committee also believes that, in the interest of good industrial relations practices, persons employed in constituency offices of parliamentary representatives should be eligible, to proper terms and conditions of service, in addition to basic pay.”

There was a recommendation that these improved facilities and assistance be provided and the question of the terms and conditions of the staff of these offices should be reviewed by the Chief Personnel Officer.

On the printing of the *Hansard*, it was recognized that the Government Printer was the official printer for the Parliament of the Republic of Trinidad and Tobago. All Bills, Acts and other parliamentary documents were printed by the Government Printer. It was also ascertained that the printery had a busy schedule and therefore the parliamentary printing has been adversely affected over the years. Paragraph 19 of the report states:

“The House Committee discovered that over the years this arrangement has been plagued with numerous problems all related to the financial and equipment constraints experienced by the Government Printer, and was alarmed to learn that critical deadlines for printing and publication of parliamentary documents are seldom met. Moreover, the Government Printer

has been unable to keep up with the volumes of parliamentary proceedings to be printed, resulting in over 95% of the printed Hansards of proceedings from 1979 to the present being outstanding.”

The House Committee recognized that the parliamentary duties were adversely affected by the lack of proper administrative mechanisms being put in place to serve Parliament. Mr. Speaker, the committee being concerned about this dissatisfactory state of affairs raised this with you, and you then commissioned investigations into the following three possible solutions: the contracting out of parliamentary work; the establishment of an in-house printing unit within the Parliament Department and the establishment of a parliamentary printing unit within the government’s printery. On your recommendation the House Committee accepted that the third alternative was the best.

The other issue which concerns the House Committee was the administration of Parliament. The committee felt very strongly about this matter. There cannot be proper functioning of Parliament when Parliament itself is administered by staff that belongs to the public service. It means that the executive arm of the state was controlling the legislative arm as far as the staffing was concerned. The committee felt this was incompatible for the promotion of a proper functioning system. The committee looked at other countries such as England and India which have implemented such measures as having a separate parliamentary commission where the Speaker and Parliament would be able to administer the staff. The staff would be independent and insulated from the executive arm of the state.

9.05 p.m.

There is a similar situation in Barbados and other countries, which have also gone that way. The committee has opted to have this system implemented in Trinidad and Tobago.

The conclusions and recommendations of the committee were—and I will read paragraph 31, the last paragraph:

“We recommend that the House Committee for the 1997/1998 session be empowered to consider as part of its record all the work done by the current House Committee and be required to pursue the following matters:

- (i) the monitoring of the Red House Restoration projects, with a view to ensuring that the works undertaken on the Red House are tailored to the needs of a modern and dynamic Parliament and that these projects are all completed by July 1999 in time for the hosting by Trinidad and Tobago, of the 45th Commonwealth Parliamentary Conference;

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- (ii) the dedication of the Red House to the sole use of the Parliament of Trinidad and Tobago and the relocation of other offices which now utilize the Red House;
- (iii) the reform of the Committee system of Parliament;
- (iv) the provision to Members of the House of Representatives of adequate furniture and equipment in their constituency offices in order to discharge their duties;
- (v) the obtaining of the advice of the Chief Personnel Officer on improved terms and conditions of service for persons employed in constituency offices;
- (vi) the review by the Salaries Review Commission of the terms and conditions of service of Members of Parliament.
- (vii) the establishment of a Parliamentary Printing Unit within the Government Printery primarily for the printing of the Hansard and other Parliamentary documents;
- (viii) the investigation into the management structure of the Parliament of the Republic of Trinidad and Tobago; and
- (ix) the implementation of necessary reforms for the improvement of the administration of the Parliament.”

The House Committee wishes to thank the Secretary of the Committee and the staff of the Red House for their valuable assistance during this session. The House Committee would like to put on record its deep appreciation and thanks to your good self, Mr. Speaker, for the advice, ideas, counselling and general assistance which you gave to the committee.

I think I would be failing in my duty if I did not mention what the Government has done in relation to some of these recommendations. The Cabinet of Trinidad and Tobago, on September 15, 1997, decided that the Red House would be properly restored and dedicated to the sole use of the Parliament of the Republic of Trinidad and Tobago. The committee also decided, in connection with that particular decision, that the relevant ministries located at the Red House should expedite efforts to relocate their departments to suitable alternative accommodation.

It was also decided that the Law Commission consider the reform of the management structure of the Parliament and that a working paper be prepared for

the consideration of the committee. The Government also agreed that the question of the terms and conditions of service of Members of Parliament should be referred to the Salaries Review Commission.

The Government of Trinidad and Tobago also took a decision that, in the budget allocation for 1998, the following items be made available to the Members of the House of Representatives in their constituency offices:

Furniture

1 executive chair	12 straight back chairs
2 filing cabinets	2 storage cupboards
1 typist chair	2 waste paper baskets

Equipment

1 computer	1 printer
1 fax machine	1 photocopier
2 electric fans where offices are not air-conditioned	
1 electronic typewriter	

Mr. Speaker, in relation to the parliamentary printing unit, it was decided that there will be a printing unit at the Government Printery. I felt that these matters should be mentioned. The House Committee believes that unless these reforms are effected and continuing reforms occur, the duties of Members of Parliament would be adversely affected.

Question proposed.

Mr. Barendra Sinanan (*San Fernando West*): Mr. Speaker, my contribution on the matter before the House would be very short and merely to reiterate sentiments expressed on a previous occasion.

I support the idea in Item No. 2 under "Conclusions and Recommendations", that is the dedication of the Red House for the sole use of Parliament. In doing so, the Registrar General's Department, which is on the first floor of the Red House and houses, to a large extent, those offices, will have to be removed. The space occupied now by the Registrar General's Department is probably in the vicinity of 30,000 sq. ft. As you know, Mr. Speaker, records are kept in that department since the Red House fire. There are numerous books, title records and other documents which are invaluable to Trinidad and Tobago.

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I am appealing to the Government, in moving to suitable accommodation, that care be taken to identify a proper registry, which has a proper vault as this one has, so that documents can be stored safely and securely. We have had the experience within recent times of birth certificates being stolen and fabricated. We have had instances of unauthorized persons having access to the Registrar General's Department. I am making this appeal because I know that the first recommendation is to have the works completed by July, 1999. I am urging the Government to tread carefully in moving the Registrar General's Department to a suitable location.

I am not sure when the department will be moved, but I want to intimate that it should be done in a smooth and efficient manner. As I have indicated on a previous occasion, the economy of this country is in a boom situation and the bankers and members of the business community depend to a large extent on the efficient running of the Registrar General's Department. I would hate to see anything done to slow down the speed with which that process is carried out.

In supporting this Motion, I would just reiterate and alert the relevant Minister that, in moving the Registrar General's Department, a suitable location be obtained which will house the entire department in an efficient and secure mode so that the deeds, birth certificates and all the documents housed there will be safe from theft, fire and whatever hazards that could result from an improper location.

With these few words, I wish to congratulate your good self and other members of the committee for a report well presented. I thank you.

9:15 p.m.

The Minister of Legal Affairs (Hon. Kamla Persad-Bissessar): Mr. Speaker, I thank the hon. Member for his concern with respect to the relocation of the Registrar General's Department. That entire department is the only government department which is now housed in the Red House apart from the Parliament, and it falls under the Ministry of Legal Affairs.

I share the hon. Member's concern with respect to the records that are housed there, and I am certain that this Government would give all that it can with respect to ensuring that those records are relocated in a safe, efficient, smooth and secure manner. It is obvious that we would want to leave here as expeditiously as possible, but I know that hon. Members would appreciate the difficulties in relocation of those records, but the staff of the ministry would be relocated very shortly. We are hoping that by the end of the year, provided that the other government departments can give us the support which we need, we would be out.

In terms of the security of the relocation of the records, I am very happy to say that we have some experts looking at security as to where these documents are to be stored and they are helping us to devise the security system that can ensure safety of the records. We have approached the Minister of National Security and the army for assistance in this regard.

The Government is very cognizant of the need for safety and security of records that deal with the lands and companies in this country, and I thank the Member for San Fernando West.

Today represents exactly two years since this Government has been in office and I am very happy that the Member for San Fernando West, on a day like today, our second anniversary, acknowledges the boom that this Government has put in this country.

Thank you very much.

The Attorney General (Hon. Ramesh Lawrence Maharaj): I thank the Opposition for its support on this Motion, and I beg to move.

Question put and agreed to.

Report adopted.

CATHOLIC RELIGIOUS EDUCATION DEVELOPMENT INSTITUTE (INC'N.) BILL

Mr. Barendra Sinanan (*San Fernando West*): Mr. Speaker, I beg to move,

That a bill to provide for the incorporation of the Catholic Religious Education Development Institute and matters incidental thereto, be now read a second time.

Mr. Speaker, the Bill before us is a simple and straightforward one. Clause 3 of the Bill speaks of the aims and objectives of the association of which there are five. I would highlight two of them. Clause 3 states:

“(a) to recruit persons of the Roman Catholic faith who are Members of Orders and Congregations for voluntary Christian service in the areas of health, education and social outreach;”

“(d) to develop the talents of all members and more specifically to utilise the talents and skills of teachers, students, retirees, and those with managerial

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expertise in the various health, education and social service institutions which are serviced by the Association;"

Clause 4 of the Bill deals with the powers of the association to acquire by purchase, real and personal property, to raise income by fund raising activities and to sell and exchange in mortgage real property.

Clause 5 of the Bill deals with the application of income and property.

Clause 6 deals with the mode of execution of documents which must be executed under seal in the presence of the secretary and some other person appointed for that purpose.

Clause 7 of the Bill deals with the service of documents.

Clause 8 says:

"Nothing in this Act shall affect or be deemed to affect the rights of the State, or any bodies politic or corporate or of any persons, except such as are mentioned or referred to in this Act and those claiming by, through, from or under them."

Seconded by Mr. Chandresh Sharma.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 8 ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

Question put and agreed to, That the Bill be reported to the House.

House resumed.

Bill reported, without amendment, read the third time and passed.

PENTECOSTAL ASSEMBLIES OF THE WEST INDIES (AMDT.) BILL

Mr. Barendra Sinanan (*San Fernando West*): Mr. Speaker, I beg to move,

That a Bill to amend the Pentecostal Assemblies of the West Indies Incorporation Act, No. 26 of 1965, be now read a second time.

This is a simpler Bill than the prior one and all it seeks to do is to amend the Parent Act by inserting a subsection (d) in section 4. It reads:

“(d) to enter into contracts of guarantee and indemnity with banks and other financial institutions in respect of loans and other money advances to the General Executive, local Assemblies, District Conferences or any other representative body of the Pentecostal Assemblies of the West Indies and to execute mortgages, charges, pledges or other securities or assurances of their real and personal property as further security in respect of such guarantees and indemnities.”

Mr. Speaker, the Parent Act did not have a provision enabling the Pentecostal Church to borrow money and this amendment seeks to rectify that.

Seconded by Mr. Chandresh Sharma.

Question proposed.

The Parliamentary Secretary in the Ministry of Works and Transport (Mr. Chandresh Sharma) (Fyzabad): Mr. Speaker, I beg to support the Bill to amend the Pentecostal Assemblies of the West Indies Incorporation Act, No. 26 of 1965.

Mr. Barendra Sinanan (San Fernando West): Mr. Speaker, I thank Members for their support of the Bill.

I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Question put and agreed to, That the Bill be reported to the House.

House resumed.

Bill reported, without amendment; read the third time and passed.

CARIBBEAN UNION COLLEGE (INC'N.) BILL

Order for second reading read.

Mr. Barendra Sinanan (*San Fernando West*): Mr. Speaker, I beg to move,

That a Bill for the incorporation of the Caribbean Union College and for matters incidental thereto, be now read a second time.

This Bill before this honourable House is similar in purport to the Bill for the Incorporation of the Catholic Religious Education Development Institute and matters incidental thereto. I therefore have no hesitation in commending this Bill to hon. Members.

I beg to move.

Question proposed.

The Parliamentary Secretary in the Ministry of Works and Transport (Mr. Chandresh Sharma): Mr. Speaker, today we heard much from the Minister of Education on the whole question of education. In addition to answering the questions, he provided us with some written information. The Government is therefore supportive of all measures of education and I beg to lend support to this Bill.

Mr. Barendra Sinanan (*San Fernando West*): Mr. Speaker, I thank the hon. Member for Fyzabad and Members generally for the support of this Bill.

I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in Committee.

Clauses 1 to 9 ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill

Question put and agreed to, That the Bill be reported to the House.

House resumed.

Bill reported, without amendment; read the third time and passed.

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Thursday, November 6, 1997

ADJOURNMENT

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the House be now adjourned to Friday, November 7, 1997, at 1.30 p.m.

As agreed upon on the last occasion, tomorrow is Private Members' Day and the Motion of the Opposition will be debated.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 9.33 p.m.

WRITTEN ANSWERS TO QUESTIONS

The following reply to question No. 63 was supplied in writing to Mr. Fitzgerald Hinds (Laventille East/Morvant):

**Primary School System
(Status of)**

- (a) There are 477 primary schools both state and government assisted in Trinidad and Tobago. Of this total, 136 schools are government and 341 are government assisted.
- (b) The Government recognizes the crucial role that technology will play in the preparation of our students for the 21st century. These students will need to be skilled not only in accessing the vast array of information available through advanced technology but in processing it as well. Students must know how to use the computer and be familiar with various types of technology. It is the Government's intention that all primary and secondary schools will receive computers by the end of 1998.
- (c) To date 152 primary schools have been issued with computers. It is anticipated that an additional 300 primary schools will be issued with computers in 1998.
- (d) The Ministry of Education is in the process of evaluating primary and secondary schools for delivery of computers.
- (e) You will recall that earlier this year, 54 secondary schools were outfitted with computer labs. Each computer lab is made up of 10 computers.

- (f) As soon as the evaluation is done, and this is expected by the first quarter of 1998, the Success Roman Catholic Primary School will be outfitted with a computer.

The following reply to question No. 70 was supplied in writing to Mr. Eric Williams (Port of Spain South):

**Eastern Port of Spain
(Redevelopment of)**

The hon. Minister of Housing and Settlements wishes to inform this honourable House that since 1978, the whole of East Port of Spain has been identified by the Town and Country Planning Division and the Urban Redevelopment Council as one of the most depressed areas in the country, requiring urgent remedial measures to correct the economic and social malaise that characterize our urban areas. Since then, despite the passage of time, the area is still characterized by urban decay and obsolescence.

The Ministry of Housing and Settlements has identified as its policy objective, in its Strategic Plan 1997—2001, the improvement of the quality of life and living conditions of all members of the community by providing decent and affordable housing, especially to the low income segment in the community. Moreover, the Strategic Plan of the National Housing Authority, 1997—2000, provides for the rehabilitation of NHA rental housing units in the country on a planned and phased basis.

In this regard, a team is undertaking an evaluation of all the apartment buildings in Trinidad and Tobago, including East Port of Spain and environs, with a view to formulating a comprehensive plan to deal with the housing stock in the country.

The flats in the Duncan Street, George Street and Nelson Street areas will be addressed within the context of this overall planning framework.

Maintenance

For administrative and accounting purposes, the National Housing Authority has divided Port of Spain into three areas/zones, namely, Port of Spain West, Port of Spain East and Port of Spain Central. In this context, the Duncan, Nelson and George Street apartments fall within the Port of Spain Central zone and not the Port of Spain East zone. These three apartment blocks comprise 34 buildings with a total of 567 apartments and six shops.

The total number of apartments and shops in the Port of Spain Central zone is as follows:

The total number of apartments	1,294
Total number of shops	57

The estimated cost of general maintenance of the apartments and shops at Duncan, Nelson and George Streets for the years 1993—1997 amounts to \$10,224,674.61 derived as follows:

Table I—Maintenance Cost of Apartments and Shops

Apartment	MAINTENANCE COST (\$)					Total
	1993	1994	1995	1996	1997	
Blocks/Street						
Duncan (168 apts.)	694,483.40	668,093.01	529,795.76	864,382.23	737,086.34	3,493,840.74
Nelson (306 apts.)	1,121,857.74	1,079,227.11	885,823.92	1,107,533.85	790,870.24	4,955,312.86
George (99 apts.)*	373,952.60	359,742.39	285,274.64	492,927.97	263,623.41	1,775,521.01
TOTAL	2,190,293.74	2,107,062.51	1,670,894.32	2,464,844.05	1,791,579.99	10,224,674.61

Source: The National Housing Authority.

*Includes 6 shops

Details and the formula for arriving at the figures are given in the Appendix.

Data with respect to rent due and owing and rent actually received for the apartment blocks at Duncan Street, Nelson Street and George Street for the last five years (1993—September 30, 1997) are given hereunder in Tables II and III.

Table II—Expected Rent

Apartment	EXPECTED RENT (\$)					TOTAL
	1993	1994	1995	1996	1997	
Blocks/Streets						
Duncan (168 apts.)	48,302	51,481	52,071	52,888	41,132	245,874
Nelson (306 apts.)	82,750	86,523	88,231	90,512	69,395	417,411
George (99 apts.)*	25,225	25,796	26,796	26,825	21,692	126,334
TOTAL	156,277	163,800	167,098	170,225	132,219	789,619

Source: National Housing Authority

*Includes 6 shops

TABLE III—Actual Rent Received

Apartment Blocks/Streets	ACTUAL RENT RECEIVED (\$) *					TOTAL
	1993	1994	1995	1996	1997	
Duncan	87,361	53,107	53,444	53,774	34,341	282,027
Nelson	164,505	63,132	92,935	92,921	73,716	487,209
George	61,566	25,542	26,628	30,974	22,191	166,901
TOTAL	313,432	141,781	173,007	177,669	130,248	936,137

Source: National Housing Authority.

* Data includes arrears collected.

MAINTENANCE COST P.O.S. CENTRAL — 1993—1997

Year	Location	Expenditure (Material and Supplies)	Labour	Development Programme Electrical	Total
1993	George Street	19,451.18	354,501.42		373,952.60
	Nelson Street	58,353.54	1,063,504.20		1,121,857.74
	Duncan Street	36,123.62	658,359.78		694,483.40
1994	George Street	5,696.67	354,045.72		359,742.39
	Nelson Street	17,090.01	1,062,137.10		1,079,227.11
	Duncan Street	10,579.53	657,513.48		668,093.01
1995	George Street	15,502.48	269,772.16		285,274.64
	Nelson Street	46,507.44	809,316.48		855,823.92
	Duncan Street	28,790.32	501,005.44		529,795.76
1996	George Street	15,132.25	354,045.72	123,750.00	492,927.97
	Nelson Street	45,396.75	1,062,137.10		1,107,533.85
	Duncan Street	28,102.75	657,513.48	178,766.00	864,382.23
1997	George Street	20,371.45	243,251.96		263,623.41
	Nelson Street	61,114.36	729,755.88		790,870.24
	Duncan Street	37,832.70	451,753.64	247,500.00	737,086.34
	TOTAL	446,045.05	9,228,613.56	550,016.00	10,224,674.61

Notes

Materials and Supplies

Figures with respect to material and supplies were derived as follows:

- (i) Total maintenance cost/year in Port of Spain Central re. material and supplies

No. of apartments in Port of Spain Central

= Average maintenance cost in Port of Spain Central/year per apartment
re: material and supplies

MAINTENANCE COST P.O.S. CENTRAL — 1993—1997

Year	Location	Expenditure		Development	Total
		(Material & Supplies)	Labour	Programme Electrical	
1993	George Street	19,451.18	354,501.42		373,952.60
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	TOTAL	446,045.05	9,228,613.56	550,016.00	10,224,674.61

Notes

1. Materials and Supplies

Figures with respect to material and supplies were derived as follows:-

- (i) Total maintenance cost /year in Port of Spain Central re. material and supplies
 No. of apartments in Port of Spain Central
 = Average maintenance cost in Port of Spain Central/year per apartment
 re: material and supplies
- (ii) Average maintenance cost per year per apartment
 in Port of Spain Central re. material and supplies
 x No. of apartments in specific location.
 = Estimated cost of maintenance per location per year re. material and
 supplies.
2. Labour
 = Total labour for Port of Spain Central x No. of Apartments (Duncan,
 Nelson, George)

Total No. of Apartments in Port of Spain Central

3. Development Programme

- = No. of Apartments x Average cost of maintenance/apartment

The following reply to question No. 71 was supplied in writing to Mr. Martin Joseph (St. Anns East).

**SHARE
 (Status of)**

- (a) (i) The current National Director and Assistant Director of the Social Help and Rehabilitative Efforts Programme (SHARE) are not presently on leave.
- (ii) There is no proposal at this time to terminate the employment of these persons.
- (iii) At present there are six regional coordinators employed in the SHARE Secretariat. There are no proposals at this time to terminate their employment.

- (b) The requisite qualifications for appointment as a regional coordinator of the SHARE Programme are:

Experience in project planning and administration and training as evidenced by a recognized degree in Social Studies, Economics or an allied discipline or any equivalent combination of experience and training.

- (c) In order for a group to qualify to access the SHARE Programme:
- (i) It must be registered as a charitable organization. Groups can now register with the Ministry of Social Development by completing the appropriate form and providing a copy of their rules or constitution, a list of the names and addresses of their officers, as well as records of accounts for at least one year immediately preceding its request for assistance.
 - (ii) It must have a history of feeding (at least one year prior to the application).
 - (iii) There must be some management or accounting skills within the group.
 - (iv) It must have the ability to undertake some form of rehabilitative activity.
 - (v) It is proposed to align the programme with the poverty report and to increase the number of groups in receipt of hampers in the areas where the poverty rating is high.
 - (vi) It is to be noted that although a group may qualify to access the programme if there is another group already operating in the area, it may not be selected for participation.

The following reply to question No. 72 was supplied in writing to Mr. Martin Joseph (St. Anns East).

**Metal Industries Company Limited
(Appointment of Members)**

Metal Industries Company Limited was established in 1974 as a limited liability company to promote the growth of the technical possibilities in the metal and plastic industries in Trinidad and Tobago. Presently, MIC's shareholding is structured as follows:

GORTT	45.3%
State Enterprises	15.2%
Private Sector	39.5%

Over the years the company has been engaged in providing design, manufacturing and engineering services and training mainly for light manufacturing industries. In 1995 the Government contracted MIC to implement a Skills Development Programme for heavy industry and advanced technology. Training activities now account for approximately 60% of the company's business. MIC is a training institution utilizing the concept of a "teaching factory" and offers full time and part-time courses.

The National Skills Development Programme is offered from three locations—in Port of Spain, Pointe-a-Pierre and Macoya. It is proposed that three new centres will be added in 1998 at Ste. Madeline, Debe/Penal and Tobago. The programme is designed to provide training at the levels of craftsman, master craftsman and technologists in a range of occupation areas to support the existing and projected needs of industry, including that of the energy sector.

The craftsman programme provides training over 3½ years and 93 per cent of the recurrent expenditure is provided by Government with 7 per cent contributed by the trainees. There are at present 450 trainees in Year 2 and Year 3 of the programme who are attached as apprentices to companies in the private sector. On completion of training they will be eligible for employment as operators and technicians in the various sectors. A new intake of 230 trainees will be added in November 1997. The National Skills Development Programme is well recognized in industry and this has led to a dramatic increase in the number of applicants. For the 1997 craftsman programme there were almost 1,000 applications for 230 places.

Metal Industries Company Limited offers a full-time two-year Master Craftsman Programme. At present there are 45 persons enrolled over the two years of the programme. Recurrent funding for this programme is provided by participants. Part-time programmes and consultancy services are provided for the general public and companies on a customized basis. Approximately 500 persons participated in these programmes between January to September 1997.

In October 1997 a new board comprising 10 members was appointed. As in all board appointments the Government has been guided by the Articles of Association and has nominated the board of directors to control the direction of the company. In selecting the nominees to the board of MIC the Government has taken cognizance of the nature of the company's operations and has chosen a board that is capable of guiding both the commercial and training aspects of the company's operations while ensuring that the MIC fulfils its mandate of provision of services to the industrial sectors of Trinidad and Tobago.

In this regard, the nominees represent persons who will bring to the board's deliberations expertise in engineering, education and industrial procedures. In addition, there are ministerial representatives to ensure that Government's investment is maximized and that the programme to develop the skills of the country is properly pursued.

The following reply to question No. 75 was supplied in writing to Mr. Eddie Hart (Tunapuna):

St. Mary's Home Primary School

By Cabinet Minute No. 293 E91 dated February 7, 1991, approval was given for the construction of a number of replacement primary schools including the Reform Presbyterian, the Guayaguayare and the St. Mary's Children's Home Primary School under a Fincor loan facility. These three schools were included in the 1993 Development Programme.

In fact, in May 1993, a promise was made to the Parents and Teachers Association of the Guayaguayare R.C. Primary School for a sod-turning ceremony and the completion of the school in 18 months' time. This never materialized. Empty promises and small talk! Coulda! Woulda! Shoulda!

At the end of 1995, there was no construction started on either of these three schools. Construction of the Reform Presbyterian Primary School began in November 1996 and the Guayaguayare R.C. School in July 1996.

The cost of construction for the Reform Presbyterian Primary School is \$3.139 million, and the Guayaguayare R.C. is \$5.916 million.

With specific reference to the St. Mary's Children's Home Primary School, the contract was awarded on Tuesday, November 4, 1997, at a cost of \$4,210,329.05 plus VAT of \$631,545.36.

The Reform Presbyterian and the Guayaguayare Primary Schools are 95 per cent complete. The students can occupy the Reform Presbyterian School.

Already this year there has been the opening of the replacement Arima Boys Government and the new Patna/River Estate Government Primary Schools. The Arima Boys Government was constructed at a cost of \$5.072 million and the Patna/River Estate Government Primary School at a cost of \$4.58 million.

The Government has embarked on the largest school building programme, at a cost of \$383,232,000. Under this programme, a total of 50 new pre-schools will be completed over the next four years, 10 per year for an additional 2,500 students; 46 primary schools will be constructed, comprising 15 replacement and 16 for

Written Answers to Questions

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renovation and/or extension, to provide an additional 13,750 places; and four secondary schools, providing 3,300 additional places.

Last week Friday, there was the sod-turning ceremony for the Cedros Government Primary School, the first of 46 primary schools. The Cedros Government Primary School was destroyed by fire in October, 1993. Since 1993 the students have been housed at the Cedros Composite School.